

OCTOBER TERM, 1962

STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets----	15	1, 182	1, 627	2, 824
Cases disposed of-----	7	972	1, 371	2, 350
Remaining on dockets----	8	210	256	474

Cases disposed of—Appellate Docket:

By written opinions-----	129
By per curiam opinions or orders-----	153
By motion to dismiss or per stipulation (merits cases)----	0
By denial or dismissal of petitions for certiorari-----	690

Cases disposed of—Miscellaneous Docket:

By written opinions-----	0
By denial or dismissal of petitions for certiorari-----	1, 086
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By other per curiam opinions or orders-----	65
By transfer to Appellate Docket-----	23

Number of written opinions-----	110
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Number of admissions to bar-----	2, 682

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

The Chief Justice said:

“With the concurrence of my colleagues, I announce with regret the retirement of Mr. Justice Frankfurter who has served this Court with distinction for the past 24 years.

“All of us, with the exception of Mr. Justice White, have had the pleasure of serving for years with him, and we exceedingly regret that the condition of his health compelled his retirement. We are reconciled to the situation, however, by the opinion of his doctor that if he is relieved of his arduous Court work he will still have years of usefulness to the profession to which he has been devoted for 60 years. We look forward to such a speedy and complete recovery because he has so much to give from his vast experience.

“As scholar, teacher, public servant, enlightened critic, and member of this Court for almost a quarter of a century, he has already made a contribution to our jurisprudence rarely equalled in the life of our Court. Through each of these facets of his long and notable career, he looms large in the history of our country and we, his colleagues, have been the most favored beneficiaries of his wisdom and his fellowship. These we may continue to enjoy because our association with him is not ended. It will continue unabated in another form.

“Our appreciation of that association and for his great service to the Court is amplified in a letter to him which, with his response and the exchange of letters between him and the President on the occasion of his retirement, will be spread upon the Minutes of the Court.”

SUPREME COURT OF THE UNITED STATES
WASHINGTON 25, D. C.

CHAMBERS OF
THE CHIEF JUSTICE

September 27, 1962

Honorable FELIX FRANKFURTER,
Associate Justice of the Supreme Court, Retired,
Washington, D. C.

DEAR JUSTICE FRANKFURTER:

As the opening day of our 1962 Term approaches, it becomes increasingly difficult for all of us to realize that you will not be in your accustomed chair, which you filled with such distinction and in such good fellowship with your colleagues for almost a quarter of a century.

All of us, except Mr. Justice White, our newest member, have served with you for years and we, more than any others, will feel the loss that comes from your retirement. We regret the necessity for it, but we reluctantly accept your decision because your doctor has told you and us that if this course is pursued there will be opened to you new avenues of usefulness to the profession to which you dedicated yourself 60 years ago.

Every one of those years was an eventful year for you as you strained every fiber of your mind and body to the administration of justice and to the welfare of the Court. Few men in the life of the Supreme Court have made contributions to its jurisprudence equal to your own. As a scholar, teacher, critic, public servant, and a member of the Court for 24 Terms, you have woven your philosophy of law and your conception of our institutions into its annals where all may read them and profit thereby.

Your retirement does not end our association. It merely changes the form of it. You will always be one of us, and after rest and relaxation from the rigors of the Court work restore you to health, we look forward to years of continued happy association with you. In the meantime, our best wishes for a rapid recovery will always be with you.

Sincerely,

EARL WARREN.
HUGO L. BLACK.
WM. O. DOUGLAS.
TOM C. CLARK.
JOHN M. HARLAN.
WM. J. BRENNAN, JR.
POTTER STEWART.
BYRON R. WHITE.

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C.CHAMBERS OF
JUSTICE FELIX FRANKFURTER

September 28, 1962

MY DEAR BRETHREN:

It would be unnatural for me not to address you thus, although you have been apprised that I have advised the President of my decision to retire as of August 28th, under the appropriate provisions of law, as an active member of the Court. I still address you as I do, for the endeavors which the business of the Court entails in the daily intimacy of our association have forged bonds of fellowship which cannot be abruptly severed. The final manifestation of your fraternal feelings toward me, your letter of September 27th, your generous words of farewell, are a cheering close to our uniformly happy curial relations over the years, and I shall enduringly cherish your moving letter. Retiring from active membership on the Court of itself would involve a wrench in my life, but the fact is that I have served the Court in one professional way or another almost from the day that I ceased to be a law student, not merely during the years that I have actually been on the Bench.

My years on the Court have only deepened my conviction that its existence and functioning according to its best historic traditions are indispensable for the well-being of the nation. The nature of the issues which are involved in the legal controversies that are inevitable under our constitutional system does not warrant the nation to expect identity of views among the members of the Court regarding such issues, nor even agreement on the routes of thought by which decisions are reached. The nation is merely warranted in expecting harmony of aims among those who have been called to the Court. This means pertinacious pursuit of the processes of Reason in the disposition of the controversies that come before the Court. This presupposes intellectual disinterestedness in the analysis of the factors involved in the issues that call for decision. This in turn requires rigorous self-scrutiny to discover, with a view to curbing, every influence that may deflect from such disinterestedness.

I have spent happy years in my fellowship with you and I carry away the abiding memory of years of comradeship in grappling with problems worthy of the best in fallible men.

My best wishes for happy, long years for each of you and continued satisfying labors, and every good wish that the Court may continue its indispensable role in the evolution of our beloved nation.

With the happiest memories, I am
Sincerely and faithfully yours,

FELIX FRANKFURTER.

THE CHIEF JUSTICE AND ASSOCIATE JUSTICES
OF THE SUPREME COURT OF THE UNITED STATES
OF AMERICA.

SUPREME COURT OF THE UNITED STATES
WASHINGTON, 25, D.C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

August 28, 1962

MY DEAR MR. PRESIDENT:

Pursuant to the provisions of 28 U.S.C. Section 371(b), 68 Stat. 12, I hereby retire at the close of this day from regular active service as an Associate Justice of the Supreme Court of the United States.

The occasion for my retirement arises from the affliction which I unexpectedly suffered last April. Since then I have undergone substantial improvement. High expectations were earlier expressed by my doctors that I would be able to resume my judicial duties with the beginning of the next Term of the Court, commencing October 1. However, they now advise me that the stepped-up therapy essential to that end involves hazards which might jeopardize the useful years they anticipate still lie ahead of me.

The Court should not enter its new Term with uncertainty as to whether I might later be able to return to unrestricted duty. To retain my seat on the basis of a diminished work schedule would not comport with my own philosophy or with the demands of the business of the Court. I am thus left with no choice but to regard my period of active service on the Court as having run its course.

I need hardly tell you, Mr. President, of the reluctance with which I leave the institution whose concerns have been the absorbing interest of my life. May I again convey to you my gratitude for your call upon me during the summer and for the solicitude you were kind enough to express.

With high respect and esteem,
Faithfully yours,

FELIX FRANKFURTER.

THE PRESIDENT,
The White House,
Washington, D.C.

THE WHITE HOUSE
WASHINGTON

August 28, 1962

MY DEAR MR. JUSTICE FRANKFURTER:

Your retirement from regular active service on the Supreme Court ends a long and illustrious chapter in your life, and I understand well how hard a choice you have made. Along with all your host of friends I have followed with admiration your gallant and determined recovery, and I have shared the general hope that you would return soon to the Court's labors. From my own visit I know of your undiminished spirit and your still contagious zest for life. That you now take the judgment of the doctors and set it sternly against your own demanding standard of judicial effectiveness is characteristic, but it comes as an immediate disappointment.

Still, if you allow it, I will say that there is also consolation in your decision. I believe it good for you as well as for the rest of us that you should now be free, in reflective leisure, for activities that are impossible in the demanding life of a Justice of the Supreme Court. You have been part of American public life for well over half a century. What you have learned of the meaning of our country is reflected, of course, in many hundreds of opinions, in thousands of your students, and in dozens of books and articles. But you have a very great deal still to tell us, and therefore I am glad to know that the doctors are telling you, in effect, not to retire, but only to turn to a new line of work, with new promise of service to the nation.

Meanwhile, I should like to offer to Mrs. Frankfurter and to you, for myself and for all Americans, our respectful gratitude for the character, courage, learning and judicial dedication with which you have served your country over the last twenty-three years.

Sincerely,

JOHN KENNEDY.

The Honorable FELIX FRANKFURTER,
Associate Justice,
Supreme Court of the United States,
Washington, D.C.

The Chief Justice said :

"We are fortunate, however, that his successor was appointed to fill the vacancy before the opening of our 1962 Term. We welcome him today.

"The President, with the advice and consent of the Senate, has appointed the Honorable Arthur J. Goldberg of Illinois, former Secretary of Labor, an Associate Justice of the Supreme Court. Justice Goldberg has taken the Constitutional Oath administered by the Chief Justice. He is now present in Court. The Clerk will read his commission. He will then take the Judicial Oath, to be administered by the Clerk, after which the Marshal will escort him to his seat on the Bench."

The Clerk then read the commission as follows :

"JOHN F. KENNEDY,

"PRESIDENT OF THE UNITED STATES OF AMERICA,

"To All Who Shall See These Presents, Greeting :

"Know Ye ; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Arthur J. Goldberg of Illinois, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Arthur J. Goldberg, during his good behavior.

"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done at the City of Washington, this twenty-eighth day of September, in the year of our Lord one thousand nine hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

"JOHN F. KENNEDY.

"By the President :

"ROBERT F. KENNEDY,

"Attorney General."

The oath of office was then administered by the Clerk, and Mr. Justice Goldberg was escorted by the Marshal to his seat on the bench.

The oaths taken by Mr. Justice Goldberg are in the following words, viz :

"I, Arthur J. Goldberg, do solemnly swear that I will support and defend the Constitution of the United States against all enemies,

foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

“So help me God.

“ARTHUR J. GOLDBERG.

“Subscribed and sworn to before me this first day of October A.D. 1962.

“EARL WARREN,
“*Chief Justice.*”

“I, Arthur J. Goldberg, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

“So help me God.

“ARTHUR J. GOLDBERG.

“Subscribed and sworn to before me this first day of October A.D. 1962.

“JOHN F. DAVIS,
“*Clerk of the Supreme Court of the United States.*”

ADMISSIONS TO THE BAR

Donald S. Jacobs, of Queens, N.Y., John M. Price, of Sacramento, Calif., Martin J. Kirwan, of Pasadena, Calif., Don H. Banks, of San Francisco, Calif., John Morris Cashel, of Los Angeles, Calif., George Torbica, of Columbus, Ohio, Raymond Neal Zagone of Houston, Tex., Edmund Berrigan Clark, of Bethesda, Md., Lawrence C. Musgrove, of Roanoke, Va., Herman M. Levy, of Washington, D.C., Charles Burrell E. Freeman, of Washington, D.C., George Alexander, of Washington, D.C., Bernard Roazen, of Brookline, Mass., Loring E. Hawes, of Baltimore, Md., Alfred M. Carvajal, of Miami, Fla., Dennis H. Trosch, of Milwaukee, Wis., and Arthur H. Kahn, of Philadelphia, Pa., on motion of Mr. Solicitor General Archibald Cox; Benjamin F. Schwartz, of Los Angeles, Calif., on motion of Mr. Clair Engle; James Carl Craig, of San Antonio, Tex., on motion of Mr. Ralph W. Yarborough; John Walter Wood, of Albany, Tex., on motion of George H. Mahon; A. H. Dudnik, of Cleveland, Ohio, on motion of Mr. William C. Minshall; Casimir Ludwig Cyptar, of St. Paul, Minn., on motion of Mr. Clark MacGregor; Robert McWilliam, of Milwaukee, Wis., and Charles J. Kersten, of Milwaukee, Wis., on motion of Mr. Donald M. Counihan; Walter V. Johnson,

of Philadelphia, Pa., on motion of Mr. Robert D. Powers; John C. Feirich, of Carbondale, Ill., Quentin Lewis Kopp, of San Francisco, Calif., and William Marsh Acker, Jr., of Birmingham, Ala., on motion of Mr. James R. Stoner; Rotraud Mezger Perry, of Washington, D.C., and John Wilson Perry, of Washington, D.C., on motion of Mr. Gerritt Wesselink; Fred Emile Ringe, Jr., of Washington, D.C., and Robert M. Alexander, of Arlington, Va., on motion of Mr. Milton Conn; Kenneth G. Perry, of Jackson, Miss., and Dan Huff Shell, of Jackson, Miss., on motion of Mr. Dean Laurence; Horace Cotton Lane, of Baton Rouge, La., on motion of Mr. Charles A. Sweeny; E. V. Cavanagh, of Los Angeles, Calif., on motion of Mr. J. William Doolittle; Audrey Fox Anderson, of New York, N.Y., on motion of Mr. Howard A. White; David Phillip Feldman, of Buffalo, N.Y., on motion of Mr. Herman Branse; John F. Nagle, of Springfield, Mass., on motion of Mr. John Van der Ford Long; Beecher E. Stallard, of Richmond, Va., on motion of Mr. John Foley; Thomas Squires Weary, of Philadelphia, Pa., on motion of Mr. Henry Roemer McPhee; Chas. E. Keller, of Louisville, Ky., on motion of Mr. Thomas J. Beddow; John Clay Lovett, of Benton, Ky., on motion of Mr. Donald Macleay; John Williams Gwynne, Jr., of Waterloo, Iowa, on motion of Mr. Bernard Rowitz; and Thomas J. Cameron, of Chicago, Ill., on motion of Mr. Ralph Herrod, were admitted to practice.

ASSIGNMENT ORDERS

An order of the Chief Justice designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning October 15, 1962, and ending June 30, 1963, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

An order of the Chief Justice designating and assigning Mr. Justice Burton (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning October 1, 1962, and ending June 30, 1963, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

Adjourned until Monday, October 8, 1962, at 10 o'clock.

The day call for Monday, October 8, will be as follows: Nos. 36, 25, and 8.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

J. Walter Owens, of Columbus, Ga., Armando Maraio, of Miami, Fla., Sidney M. Weaver, of Miami, Fla., Kelvin Henderson Keith, of Miami Springs, Fla., Milton Rosenkranz, of Jersey City, N.J., and John Francis Morley, of St. Louis, Mo., on motion of Mr. Ralph S. Spritzer; A. Kenneth Pincourt, Jr., of Palm Beach, Fla., on motion of Mr. Paul G. Rogers; William Henry James, of Dyer, Ind., on motion of Mr. Ray J. Madden; Donald Emil Werner, of Van Nuys, Calif., on motion of Mr. James C. Corman; Nicholas Johnson, of Berkeley, Calif., on motion of Mr. Louis F. Oberdorfer; Frederick Michael Switzer III, of St. Louis, Mo., and David Wesley Miller, of Lenox, Iowa, on motion of Mr. Robert Davis Powers, Jr.; William Braly Murray, of Portland, Oreg., on motion of Mr. Frederick Bernays Wiener; Vincent J. Fuller, of Washington, D.C., and Maurice Harwick, of Los Angeles, Calif., on motion of Mr. Edward Bennett Williams; Clinton Randolph Stevenson, of Los Angeles, Calif., on motion of Mr. John A. Beck; Mary Josephine Cusack, of Columbus, Ohio, on motion of Mr. Francis Phillip Cotruvo; Carman F. Ball, of Buffalo, N.Y., and Irma R. Thorn, of Orchard Park, N.Y., on motion of Mr. Walter L. Green; James J. Cavanaugh, of Okemos, Mich., on motion of Mr. Jack Moskowitz; Knowlton E. Carson, of Kansas City, Kans., and George Richard Docking, of Kansas City, Kans., on motion of Mr. Peter D. Beter; James C. Spangler, of Chicago, Ill., on motion of Mr. Joseph B. Friedman; Alan DeWolfe Wright, of Painesville, Ohio, on motion of Mr. David P. Freed; Howard M. Downs, of San Francisco, Calif., on motion of Mr. Perry S. Patterson; Ronald J. Hardesty, of Denver, Colo., on motion of Mr. Jay W. Glasmann; Cyril L. Weston, of Sellersville, Pa., on motion of Mr. Clarence M. Fisher; and Gray Castle, of Alexandria, Va., on motion of Mr. Jerome Powell, were admitted to practice.

The Chief Justice said:

“The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 100. Milton J. Harris, appellant, *v.* The Florida Real Estate Commission, etc., et al. Appeal from the Supreme Court of Florida. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari is denied. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 105. Dagmar Readey et al., appellants, *v.* St. Louis County Water Company et al. Appeal from the Supreme Court of Missouri. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 114. Georgia et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of Georgia. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 116. Albin P. Lassiter, Ragan D. Madden, and F. Jean Pharis, et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Western District of Louisiana. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 121. L. D. Ragan, appellant, *v.* City of Seattle et al. Appeal from the Supreme Court of Washington. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 122. Edward J. Wellens, appellant, *v.* Douglas Dillon, Secretary of the Treasury, et al. Appeal from the United States Court of Appeals for the Ninth Circuit. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 123. Bel Oil Corporation, appellant, *v.* Roland Cocreham, Collector of Revenue, State of Louisiana. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 128. United States, appellant, *v.* Fred D. Brown and Fred J. Purdy. Appeal from the United States District Court for the Southern District of New York. The judgment is reversed. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 157. Robert G. Errington, appellant, *v.* Missouri. Appeal from the Supreme Court of Missouri. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 162. United States, appellant, *v.* Nelson Woodson et al. Appeal from the United States District Court for the District of Columbia. The judgment is reversed. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 163. George Cannata et al., appellants, *v.* City of New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 177. Henry Honeywood et al., etc., appellants, *v.* Nelson A. Rockefeller, Governor of the State of New York, et al. Appeal from the United States District Court for the Eastern District of New York. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 223. Fairview Public Utility District, Number One, et al., appellants, *v.* City of Anchorage. Appeal from the Supreme Court of Alaska. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 237. Household Finance Corporation, appellant, *v.* Director of the Division of Taxation, Department of the Treasury of New Jersey. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 247. Atlantic Coast Line Railroad Company et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Middle District of Georgia. The motions to affirm are granted

and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 265. Ronald Carr, appellant, *v.* New York. Appeal from the Appellate Division of the Supreme Court of New York, Third Judicial Department. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 274. Martin L. Waxman et al., appellants, *v.* Virginia. Appeal from the Supreme Court of Appeals of Virginia. The judgment is reversed. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 31, Misc. Kenneth Barton, appellant, *v.* District Court of Iowa, in and for Union County, etc. Appeal from the Supreme Court of Iowa. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 78, Misc. Dave Fleischer, etc., appellant, *v.* W.P.I.X., Inc., et al. Appeal from the Court of Appeals of New York and the Appellate Division of the Supreme Court of New York, First Judicial Department. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 98, Misc. Angelo Paccione, petitioner, *v.* David M. Heritage, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to that court for further proceedings in which petitioner is to be accorded the opportunity to present oral argument on the merits of his appeal, either personally or through counsel, to the same extent as such opportunity is accorded to the United States Attorney. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 244, Misc. Roy Winford Fulghum, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 297, Misc. Luther Poindexter, appellant, *v.* Richard A. McGee et al. Appeal from the United States District Court for the Northern District of California. The appeal is dismissed. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

No. 282, October Term, 1961. Atlantic and Gulf Stevedores, Inc., petitioner, *v.* Ellerman Lines, Ltd., et al. The motion of respondents to recall and amend the judgment is denied. Mr. Justice White took no part in the consideration or decision of this motion.

No. 7, Misc., October Term, 1961. James Harvey, alias Berkeley McCargo, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary; and

No. 63, October Term, 1961. Morgan C. Chewning, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. The motions of petitioners to clarify opinions and for other relief are denied. Mr. Justice White took no part in the consideration or decision of these motions.

No. 12, Original. State of Hawaii, plaintiff, *v.* David E. Bell. The motion for leave to file bill of complaint is granted and the United States is allowed sixty days to answer. Mr. Justice White took no part in the consideration or decision of this motion.

No. 573, Misc. In re Disbarment of Ellis Brodstein. It is ordered that Ellis Brodstein, of Reading, Pennsylvania, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

No. 33. Inces Steamship Company, Ltd., petitioner, *v.* International Maritime Workers Union et al. The motions of the Republic of Panama; Government of the United Kingdom of Great Britain and Northern Ireland; and Seafarers' International Union of North America, Atlantic & Gulf District, AFL-CIO, for leave to file briefs, as *amicus curiae*, are granted.

No. 57. Michael Cleary, petitioner, *v.* Edward Bolger. The motion of respondent for the appointment of counsel is granted, and it is ordered that Joseph Aronstein, Esquire, of New York, New York, be, and he is hereby, appointed to serve as counsel for the respondent in this case.

No. 78. Chester A. Pearlman, Trustee, petitioner, *v.* Reliance Insurance Company. The motions of Association of Casualty and Surety Companies; and Edward M. Murphy for leave to file briefs, as *amicus curiae*, are granted.

No. 82. New York Central Railroad Company, appellant, *v.* United States et al. Upon the suggestion of mootness the judgment of the United States District Court for the Southern District of New York is vacated and the case is remanded with directions to dismiss the complaint.

No. 88. National Labor Relations Board, petitioner, *v.* Reliance Fuel Oil Corporation. The motion of Coal, Gasoline, Fuel Oil Teamsters, Chauffeurs, Oil-Burner Installation Maintenance Servicemen and Helpers, Local Union 553, etc., to be named a party petitioner is denied.

No. 201. Robert Draper and Raymond Lorentzen, petitioners, *v.* Washington et al. The motion for the appointment of counsel is granted and it is ordered that Charles F. Luce, Esquire, of Portland, Oregon, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioners in this case.

No. 202. Charles Edward Sanders, petitioner, *v.* United States. The motion for the appointment of counsel is granted and it is ordered that Fred M. Vinson, Jr., Esquire, of Washington, D.C., a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

APPEALS—JURISDICTION NOTED

No. 108. Interstate Commerce Commission, appellant, *v.* The New York, New Haven and Hartford Railroad Company, et al.;

No. 109. Sea-Land Service, Inc., appellant, *v.* The New York, New Haven and Hartford Railroad Company, et al.;

No. 110. Seatrain Lines, Inc., appellant, *v.* New York, New Haven and Hartford Railroad Company, et al.; and

No. 125. United States, appellant, *v.* New York, New Haven and Hartford Railroad Company, et al. Appeals from the United States District Court for the District of Connecticut. In these cases probable jurisdiction is noted. Cases consolidated and a total of two hours allowed for oral argument.

No. 111. William M. Ferguson, Attorney General for the State of Kansas, et al., appellants, *v.* Frank C. Skrupa, d/b/a Credit Advisors. Appeal from the United States District Court for the District of Kansas. In this case probable jurisdiction is noted and case transferred to the summary calendar.

No. 164. Nico Jacobellis, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. In this case probable jurisdiction is noted and case transferred to the summary calendar.

No. 142. School District of Abington Township, Pennsylvania, et al., appellants, *v.* Edward Lewis Schempp et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. In this case probable jurisdiction is noted and case set for argument immediately following No. 119.

CERTIORARI GRANTED

No. 119. William J. Murray III, etc., et al., petitioners, *v.* John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City. Petition for writ of certiorari to the Court of Appeals of Maryland granted.

No. 146. The Colorado Anti-Discrimination Commission et al., petitioners, *v.* Continental Air Lines, Inc. Petition for writ of certiorari to the Supreme Court of Colorado granted; and

No. 68, Misc. Marlon D. Green, petitioner, *v.* Continental Air Lines, Inc. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Colorado granted and case transferred to the appellate docket. Cases consolidated and a total of two hours allowed for oral argument.

No. 150. Harold J. Silver, d/b/a Municipal Securities Company, et al., petitioners, *v.* New York Stock Exchange. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 178. State Tax Commission of Utah, petitioner, *v.* Pacific States Cast Iron Pipe Co. Petition for writ of certiorari to the Supreme Court of Utah granted and case transferred to the summary calendar.

No. 180. General Drivers, Warehousemen and Helpers, Local Union No. 89, et al., petitioners, *v.* Riss and Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case transferred to the summary calendar.

No. 229. Federico Marin Gutierrez, petitioner, *v.* Waterman Steamship Corp. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case transferred to the summary calendar.

No. 240. Andre Maximov, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 271. Maurice L. Davis, etc., petitioner, *v.* Romuald M. Soja, etc. Petition for writ of certiorari to the United States Court of

Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

No. 288. National Labor Relations Board, petitioner, *v.* Erie Resistor Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case transferred to the summary calendar.

No. 217. Josephine Goss et al., petitioners, *v.* The Board of Education of the City of Knoxville, Tennessee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted limited to Question 1 presented by the petition which reads as follows:

"Whether petitioners, Negro school children seeking desegregation of the public school systems of Knoxville, Tennessee (Goss case), and Davidson County, Tennessee (Maxwell case), are deprived of rights under the Fourteenth Amendment by judicial approval of a provision in desegregation plans adopted by their local school boards, which expressly recognizes race as a ground for transfer between schools in circumstances where such transfers operate to preserve the pre-existing racially segregated system, and which operate to restrict Negroes living in the zones of all-Negro schools to such schools while permitting white children in such areas to transfer to other schools solely on the basis of race."

No. 283. Ward Lane, Warden, petitioner, *v.* George Robert Brown. Motion of respondent for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Case set for argument immediately following No. 201.

No. 44, Misc. Raymond Downum, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 47, Misc. John L. Brady, petitioner, *v.* Maryland. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of Maryland granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 51, Misc. Albert Andrews, petitioner, *v.* United States; and

No. 217, Misc. Robert L. Donovan, petitioner, *v.* United States. Motions for leave to proceed *in forma pauperis* and petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted. Cases consolidated and transferred to the appellate docket and a total of two hours is allowed for oral argument.

No. 69, Misc. Donald Wheeldin and Admiral Dawson, petitioners, *v.* William Wheeler. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar. In briefs and oral argument counsel are directed to discuss the question of federal jurisdiction.

CERTIORARI DENIED

No. 95. Tecon Corporation, petitioner, *v.* Secretary of the Treasury of the Commonwealth of Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 127. Massachusetts Bonding and Insurance Company, petitioner, *v.* Mrs. Maria Consuelo Garcia Dodart DeBram, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 129. William Joseph Bryan, petitioner, *v.* Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 131. Robert E. Lee & Co., Inc., et al., petitioners, *v.* Nathan Thomas Veatch et al., etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 132. Harriet B. Sawyer, petitioner, *v.* Pioneer Mill Company, Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 135. Esso Standard Oil Company, petitioner, *v.* Edna Fall, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 137. General Motors Corporation, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 138. Helen Russell Pierce, etc., petitioner, *v.* Allen B. DuMont Laboratories, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 139. Stanley E. Henwood et al., etc., petitioners, *v.* Securities and Exchange Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 149. James W. Harlow et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 151. Bankers Trust Company et al., etc., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 152. Robert Hugh Robinson, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 153. Memphis Transit Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 154. Ralph Richardson, petitioner, *v.* C. C. Brunner et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 156. Francis D. Houston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 158. Budget Dress Corp., petitioner, *v.* Joint Board of Dress and Waistmakers' Union of Greater New York, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 160. La Maur, Inc., petitioner, *v.* L. S. Donaldson Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 161. Connecticut Committee Against Pay TV et al., petitioners, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 166. Joseph A. Fabianich et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 168. Lucia Bonsall et al., petitioners, *v.* Humble Oil & Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 169. Luther Robinson Maddox, petitioner *v.* Fidelity Investment & Title Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 171. James J. Donohue, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 173. Mound Company, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 176. William H. Benson, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 179. Lewis Orgel et al., petitioners, *v.* Clark Boardman Co., Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 181. Lakeland Grocery Corporation, petitioner, *v.* Food Fair Stores, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 182. Kerr's Catering Service, petitioner, *v.* Department of Industrial Relations of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 183. Green Truck Sales, Inc., petitioner, *v.* The Hoegh Lines. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 184. Thomas Battles, petitioner, *v.* Arthur J. Goldberg, Secretary of Labor, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 185. Ernest Joseph Gibas et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 186. Solomon Dehydrating Company, petitioner, *v.* Dolly Guyton. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 187. Fred Isaacs and Harry Isaacs, petitioners, *v.* United States;

No. 188. Benson M. Larrick, petitioner, *v.* United States;

No. 189. Earl A. Jeffords, petitioner, *v.* United States; and

No. 194. Fred A. Ossanna, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 190. Joseph A. Kovac, petitioner, *v.* Lucile R. Kovac. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 192. Hi Hat Elkhorn Coal Company, petitioner, *v.* Ted Newman. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 193. Aetna Insurance Company, petitioner, *v.* C. A. Vernon et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 195. Robert Woods, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 197. Wycoff Company, Incorporated, petitioner, *v.* Public Service Commission of Utah et al. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 198. Joseph Pagano, petitioner, *v.* Milton E. Sahn, as Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 199. Frank T. Bell, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 203. Anthony Cardarella et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 204. William Henry Hackett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 205. Ozark Dairy Company et al., petitioners, *v.* Adams Dairy Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 207. Arlene Coats, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 208. Mildred Sexton, Executor, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 209. E. Stanley Richardson et al., etc., petitioners, *v.* Francis R. Smith, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 210. Mack B. Thompson, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 211. Cities Service Oil Co., petitioner, *v.* Walter N. Tobriner et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 212. Patrick Henry, et al., d/b/a Suburban Broadcasters, petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 213. Brack Howard Noble et al., petitioners, *v.* Hattie De Vas. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 214. Joseph L. O'Brien Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 215. Northern Ohio Telephone Company, petitioner, *v.* Howard R. Ward. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 216. Real Estate Corporation, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 218. William A. Zeh et al., petitioners, *v.* Aeroglide Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 219. W. L. Bridges, Sr., petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 220. W. L. Bridges, Sr., petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 224. George S. Rhodes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 226. The Dredge Corporation, petitioner, *v.* Husite Company. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 231. Paul E. Rhodes, petitioner, *v.* Star Herald Printing Co. et al. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 232. Liberian Carriers, Inc., et al., petitioners, *v.* Tampa Ship Repair and Dry Dock Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 233. Edwin A. Kaakinen et al., petitioners, *v.* The Peelers Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 234. Texaco, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 238. E. W. Sterling Graham, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 242. Ivan B. Carlson, petitioner, *v.* William H. Dickman et al. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 243. Estate of Walter F. Rau, Sr., etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 244. Nicholas Mamula, petitioner, *v.* United Steelworkers of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 245. Elgin, Joliet and Eastern Railway Co., etc., petitioner, *v.* Brotherhood of Railroad Trainmen et al.; and

No. 246. Elgin, Joliet and Eastern Railway Co., etc. petitioner, *v.* Brotherhood of Railroad Trainmen et al. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 252. Orin C. Clement, petitioner, *v.* Frank J. Fisher. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 254. Billy Gilbert Nicholson, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 257. Lucille A. Breece, etc., petitioner, *v.* J. F. Chapman & Son, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 258. Robert M. Alexander, petitioner, *v.* County Board of Arlington County et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 259. Holiday Lodge, Inc., petitioner, *v.* First Federal Savings and Loan Association. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 261. Southern Farms, Inc., petitioner, *v.* Arthur J. Goldberg, Secretary of Labor, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 263. American News Co., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 264. The Pennsylvania Railroad Company, petitioner, *v.* George W. Gowins. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 266. Ali Monem, petitioner, *v.* Cosmopolitan Shipping Co., Inc., et al. Petition for writ of certiorari to the Municipal Court of New York, New York, Borough of Manhattan, First District, denied.

No. 268. Luther Robinson Maddox, petitioner, *v.* Raymond O. Shroyer et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 269. Humble Oil & Refining Company, petitioner, *v.* Mabel W. Martin et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 272. William I. Cohen, petitioner, *v.* Plateau Natural Gas Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 273. United New York and New Jersey Sandy Hook Pilots Association et al., petitioners, *v.* Anna Halecki, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 278. Rock Island Motor Transit Company, petitioner, *v.* Conditioned Air Corporation. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 279. Edward W. Anspach et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 280. Joseph Vogelsang et al., petitioners, *v.* Delta Air Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 281. Local 776, IATSE (Film Editors), petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 282. Columbus Production Credit Association, petitioner, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 284. Utah et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 287. Bendix Corporation etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 289. Atlantic Coast Line Railroad Company, petitioner, *v.* John Slaughter. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 290. Rice Lake Creamery Company, petitioner, *v.* General Drivers & Helpers Union, Local No. 662, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 294. John W. D. Collins et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 295. Gertrude Welch Morris et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 347. Charles Dickson Fair, etc., et al., petitioners, *v.* James Howard Meredith, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 103. Myrph Johnson, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 126. William A. Porter, petitioner, *v.* Honorable R. C. Stanford, Jr., Judge, etc. Petition for writ of certiorari to the Supreme Court of Arizona denied. Mr. Justice Clark took no part in the consideration or decision of this petition.

No. 130. Mathiasen Tanker Industries, Incorporated, petitioner, *v.* Robert Lee Mason. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted in this case because the petitioning ship owner here has been denied its right to trial by jury guaranteed by the Seventh Amendment to the Constitution.

No. 136. Pierce Ford Sales, Inc., et al., petitioners, *v.* Ford Motor Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black would grant certiorari in this case because he believes that the petitioner, *Pierce Ford Sales, Inc.*, was denied its right to a trial by jury in violation of the guarantee of the Seventh Amendment.

No. 143. H. Henry Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 174. Erna Christiani-Onken, etc., petitioner, *v.* Robert F. Kennedy, Attorney General, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 228. Samuel Freedman et al., petitioners, *v.* Philadelphia Terminals Auction Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 145. Kalman Greenhill et al., petitioners, *v.* United States. The motion of petitioners to vacate and remand is denied. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 196. Melvin Morris et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 225. James Campy Irby, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 301. George Weigel, petitioner, *v.* Partenweederei, MS Belgrano, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 309. G. R. Abernathy et al., petitioners, *v.* City of Irvine et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 260. North Carolina Natural Gas Corporation, petitioner, *v.* McJunkin Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted in this case because the petitioning *North Carolina Gas Corporation* has been denied its right to a trial by jury guaranteed by the Seventh Amendment to the Constitution.

No. 267. Mid-America Telephone Company, petitioner, *v.* Public Utilities Commission of Ohio et al. The motion of petitioner for leave to proceed *in forma pauperis* is denied. The alternative motion to dispense with printing the petition for certiorari is granted. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 9, Misc. Martin Sostre, petitioner, *v.* Russell G. Oswald, Chairman of the New York State Board of Parole, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 19, Misc. George Freeman, Jr., petitioner, *v.* Beal Kidd, U.S. Marshal, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 22, Misc. Gale Johnson, petitioner, *v.* John E. Bennett, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 23, Misc. Andrew P. Johnson, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 25, Misc. Moses I. Howie, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 26, Misc. L. G. Gallup, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 28, Misc. David Lee Green, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 33, **Misc.** Ahmed Kassim, petitioner, *v.* Walter H. Wilkins, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 36, **Misc.** John M. Kershner, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 39, **Misc.** Grady Newman Halcomb, petitioner, *v.* Richard A. McGee, Director of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 40, **Misc.** Leonard Wolochen, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 43, **Misc.** Delma L. Powell, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 45, **Misc.** George Benjamin Williams, petitioner, *v.* Olin G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 46, **Misc.** Sam Frankfurter, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 50, **Misc.** Martin Sostre, petitioner, *v.* Walter H. Wilkins, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 57, **Misc.** Paul S. Munson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 58, **Misc.** Edward J. Ellis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 64, **Misc.** Burton Junior Post, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 71, **Misc.** Marion Miller, petitioner, *v.* United States Government et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 72, **Misc.** James W. Hawkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 73, **Misc.** Alpheus Holiday, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 76, **Misc.** Rosalio Cruz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 77, **Misc.** Bethel S. Stevenson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 79, **Misc.** Sally T. Hucks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 81, **Misc.** Emmett Ennis Marshall, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 83, **Misc.** Harry D. Smith, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 84, **Misc.** Robert J. Mulligan, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 85, **Misc.** Matthew J. Lambert, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 86, **Misc.** Wilmer W. Evans, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 90, **Misc.** Dick Red Bell, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 92, **Misc.** Frank Gomez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 93, **Misc.** Claude L. Johnson, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 94, **Misc.** John W. Holland, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 95, **Misc.** Nevins Anderson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 96, **Misc.** John Hawryliak, petitioner, *v.* James F. Maroney, Superintendent of State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 97, Misc. Raymond Ellinger, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 100, Misc. Lonnie Jessie, petitioner, *v.* Frederick Reincke, Warden. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 106, Misc. Uzell Watson, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 107, Misc. Robert Halpern, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 109, Misc. Glenn Roy Miller, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 111, Misc. Morgan Martin, etc., et al., petitioners, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 112, Misc. Alfred Pittore, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 114, Misc. Gertrude Macdonald, petitioner, *v.* Robert Jerome Dunne, Judge, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 115, Misc. Charles R. Graves, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 116, Misc. Charles Huntley, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 117, Misc. John S. Eldard, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 118, Misc. A. D. Jackson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 119, Misc. J. B. Turmon, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 120, Misc. John S. Mitchell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 122, Misc. William Moore, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 123, Misc. John W. Ricks, petitioner, *v.* Pennsylvania et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 125, Misc. Dwight L. Burns, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 128, Misc. Robert E. Sherwood, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 129, Misc. William H. Coates, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 130, Misc. George Diblin, petitioner, *v.* Leon A. Katz. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 131, Misc. Leslie Direl Green, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 132, Misc. Norman Dunbar, petitioner, *v.* Lawrence P. Keenan, etc., et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 133, Misc. Milton Smith, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 136, Misc. Philip Priori, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 137, Misc. Alfred D. Carter, petitioner, *v.* Dr. George J. Beto, Director, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 138, Misc. Glenn Crews, petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, Clinton County, denied.

No. 140, Misc. Richard Wiggins, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 142, *Misc.* Frank Puddu, petitioner, *v.* Royal Netherlands Steamship Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 143, *Misc.* Ray Eugene Warren, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 146, *Misc.* Samuel Dees, petitioner, *v.* Hugh F. Rivers et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 147, *Misc.* Henry P. Senna, petitioner, *v.* Stephen P. Kennedy, as Police Commissioner of the City of New York, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 148, *Misc.* William E. Pyles, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 149, *Misc.* Robert Draper, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 151, *Misc.* James Turner, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 152, *Misc.* William R. Sims, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 154, *Misc.* L. A. Harris, petitioner, *v.* Joseph C. McGarraghy et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 157, *Misc.* John Kirby, petitioner, *v.* Illinois. Petition for writ of certiorari to the Circuit Court of Fayette County of Illinois denied.

No. 159, *Misc.* Leonard Perkins, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 160, *Misc.* Norwood Lee Mendenhall, petitioner, *v.* Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 161, *Misc.* George W. Pullite, petitioner, *v.* Illinois. Petition for writ of certiorari to the Circuit Court of Vermillion County of Illinois denied.

No. 162, *Misc.* James I. Smith, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, denied.

No. 163, **Misc.** Martin E. Hillyard, etc., petitioner, *v.* National Dairy Products Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 164, **Misc.** Eugene A. Wright, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 165, **Misc.** John F. Beltowski, petitioner, *v.* Harvey L. Everson et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 166, **Misc.** George Lee Rivers, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution at Graterford, Pa. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 167, **Misc.** Herbert Ely, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 168, **Misc.** Austin T. Flett, petitioner, *v.* W. A. Alexander & Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 169, **Misc.** Vincent Ruberto, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 170, **Misc.** Chester R. Morris, petitioner, *v.* Q. C. Taylor. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 171, **Misc.** Fred John Hansen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 173, **Misc.** Henry L. Foreman, petitioner, *v.* Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 174, **Misc.** Per Ake Skantze, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 177, **Misc.** Raymond Lorentzen, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 178, **Misc.** William Taylor, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 179, **Misc.** Howard J. Jarrell, petitioner, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 181, **Misc.** William M. Holley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 182, **Misc.** Joe D. Sneed, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 183, **Misc.** John Gwynn, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 184, **Misc.** Woodman J. Collins, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 187, **Misc.** Donald Joseph, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 188, **Misc.** Della Mae Keeton Woods, petitioner, *v.* Erle L. Lowery. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 189, **Misc.** Patrick Mahon McGee, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 191, **Misc.** Aaron Malcolm Harrelson, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 194, **Misc.** Louis M. Grieco, petitioner, *v.* Harold V. Langlois, Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 196, **Misc.** Raymond S. Rudolph, Jr., petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Circuit Court of Baltimore County of Maryland denied.

No. 197, **Misc.** Johnnie Lee Goss, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 198, **Misc.** Philomena Grace Williams, petitioner, *v.* Employers Liability Assurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 199, **Misc.** Joseph Gilbert, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 202, **Misc.** Joseph John Cuff, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 203, **Misc.** Charles E. O'Connor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 204, **Misc.** Lawrence Curtin, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 205, **Misc.** Henry B. Turner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 207, **Misc.** Morris Ruckle, petitioner, *v.* Warden of the City Jail of Baltimore, Maryland. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 208, **Misc.** Arthur Beverley Garnett, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 209, **Misc.** Eugen Hirsch, petitioner, *v.* Archer-Daniels-Midland Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 210, **Misc.** Walter S. Nerwinski, petitioner, *v.* Howard Yeager, Principal Keeper, New Jersey State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 214, **Misc.** Milton H. Cohen, petitioner, *v.* Louisiana State Bar Association. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 215, **Misc.** Celestino R. Ybarra, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 218, **Misc.** John W. Holland, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 221, **Misc.** George W. Whitsel, petitioner, *v.* George Beto, General Manager, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 223, **Misc.** Sandy Brown, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 224, **Misc.** Carlo P. Minieri, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 226, **Misc.** Willie Charles Hill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 227, **Misc.** Lloyd Miles et al., petitioners, *v.* Victor G. Walker, Warden. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 228, **Misc.** Nathan Bean, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 230, **Misc.** Robert H. Bohn, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 231, **Misc.** LeRoy Hester, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 233, **Misc.** Freddie Brown, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 235, **Misc.** Eb Wade, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 236, **Misc.** Drewey Aaron, Jr., petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 238, **Misc.** Ben John Read, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 240, **Misc.** Richard Eugene Sires, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 241, **Misc.** J. Paul Scott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 242, **Misc.** Joseph Rinaldi, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 243, **Misc.** James Robert Fallon, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Supreme Court of New York, Dutchess County, denied.

No. 245, **Misc.** Curtis Ray Roberts, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 248, **Misc.** James Ervin Boyd, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 255, **Misc.** John Linwood Morris, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary.

Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 257, **Misc.** Frank DeBoor, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 258, **Misc.** Lillian N. Aarons, petitioner, *v.* Washington Sheraton Corp. et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 259, **Misc.** Francis Marion Black, petitioner, *v.* H. E. Moore, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 260, **Misc.** Glen Ward, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 261, **Misc.** James C. Tyler, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 263, **Misc.** George Teamoh, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 265, **Misc.** Vincent G. Doyon, petitioner, *v.* Maine. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 266, **Misc.** Herbert B. Carmack, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 267, **Misc.** Bennie Will Meyes, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 270, **Misc.** Oscar Case, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 271, **Misc.** James Burks, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 273, **Misc.** Joseph Peterson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 275, **Misc.** Paul R. Bailleaux, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 278, **Misc.** George Norman, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 280, **Misc.** Charles J. Handy, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 283, Misc. Philip Lee Davis, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 284, Misc. Joseph Henry Clark, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 285, Misc. Richard Edward Dehler, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 288, Misc. Harry Carson McNerlin, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 289, Misc. Spencer Blakey, Sr., et al., etc., petitioners, *v.* Harold C. Doyle et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 290, Misc. Alfred Taylor, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 291, Misc. John Wesley Cheeseboro, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 292, Misc. Carthel James Rushing, petitioner, *v.* Louie Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 294, Misc. Rudolph Muller, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 295, Misc. Robert Angelo Torres, a/k/a Bob Torres, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 298, Misc. Alonzo Walker, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 299, Misc. Henry Janek, petitioner, *v.* Federal Pacific Electric Co. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 300, Misc. Anthony D'Agostino, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 302, Misc. Don Beamon, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 310, **Misc.** Frank R. Arthur, petitioner, *v.* Director, Patuxent Institution, et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 311, **Misc.** Alexander Nicholas Bogish, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 313, **Misc.** Ralph L. Sims, petitioner, *v.* John T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 314, **Misc.** Robert Allen Streit, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 315, **Misc.** Cuthbert Eastman, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 319, **Misc.** William Matthew Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 346, **Misc.** Earl L. Jordan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 361, **Misc.** Carl Melton, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 400, **Misc.** Frank D. Jones, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 410, **Misc.** Henry Wilson, petitioner, *v.* Robert M. Murphy, Warden, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 414, **Misc.** Eugene Solomon, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 30, **Misc.** Lawson Edward Schaber, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 153, **Misc.** Carlos Gonzales Cisneros, petitioner, *v.* California; and

No. 363, **Misc.** Allen Ditson, petitioner, *v.* California. Petitions for writs of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 176, **Misc.** Cecil Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 339, Misc. Theodore Jardine, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 158, Misc. Robert D. Perry, petitioner, *v.* Ohio. Petition for writ of certiorari and for other relief to the Supreme Court of Ohio denied.

No. 293, Misc. E. J. Biggs, petitioner, *v.* Acme Furnace Fitting Co., Bankrupt, et al. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Seventh Circuit denied.

No. 306, Misc. Jesse James Cantrell, petitioner, *v.* California. Petition for writ of certiorari and for other relief to the Supreme Court of California denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 172, Misc. Richard P. Weinfurtner, petitioner, *v.* California et al.;

No. 175, Misc. Samuel H. Kelley, petitioner, *v.* M. L. Royster, Superintendent, State Farm, Virginia, et al.;

No. 212, Misc. Kenneth Donaldson, petitioner, *v.* Florida et al.;

No. 234, Misc. Reginald Schneider-Jimenez, petitioner, *v.* D. M. Heritage, Warden;

No. 246, Misc. Stanley J. Tomkalski, petitioner, *v.* E. L. Maxwell, Warden, et al.;

No. 256, Misc. Ex parte Malcolm R. Schlette, petitioner;

No. 262, Misc. Rafael Rosario Melendez, petitioner, *v.* D. M. Heritage, Warden;

No. 287, Misc. Arley C. Browning, petitioner, *v.* Kansas et al.;

No. 332, Misc. Roberto L. Castro, petitioner, *v.* John H. Klinger, Superintendent, California Mens Colony;

No. 347, Misc. Manuel Garcia Ortiz, petitioner, *v.* D. M. Heritage, Warden;

No. 355, Misc. Curtis White, petitioner, *v.* Joseph P. Conboy, Warden, et al.;

No. 373, Misc. Jose Antonio Correa Reyes, petitioner, *v.* D. M. Heritage, Warden;

No. 391, Misc. Frank P. Scarano, petitioner, *v.* Frederick G. Reincke, Warden;

No. 396, Misc. Burnie McCall, petitioner, *v.* James McDonald, Sheriff, County of Cayuga;

No. 397, Misc. Matthew T. Creagh, petitioner, *v.* United States District Court for the Southern District of Ohio et al.;

No. 422, Misc. Hansel L. Bray, petitioner, *v.* United States;

No. 427, Misc. Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary, et al.; and

No. 450, Misc. Edward Muza, petitioner, *v.* California et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 206, Misc. In the Matter of Theodore Harper, petitioner;

No. 423, Misc. Ex parte Albert Kunitis, petitioner; and

No. 438, Misc. John D. Gardner, petitioner, *v.* Walter Dunbar, Director, California Department of Corrections, et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 156, Misc. John H. Gately, petitioner, *v.* Leonard V. B. Sutton et al., Justices of the Supreme Court of Colorado;

No. 201, Misc. James Wilson, petitioner, *v.* Honorable Sherrill Halbert, Judge, etc., et al.; and

No. 225, Misc. Louis Stephens, petitioner, *v.* George H. Boldt, United States District Court Judge. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 124, October Term, 1961. Creek Nation, petitioner, *v.* United States;

No. 842, October Term, 1961. H. Neil Kelly, Jr., petitioner, *v.* United States;

No. 885, October Term, 1961. Charles E. Williams, petitioner, *v.* Hot Shoppes, Inc.;

No. 907, October Term, 1961. N. V. Handelsbureau La Mola, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States, etc.;

No. 910, October Term, 1961. Wilburn Boat Company et al., petitioners, *v.* Fireman's Fund Insurance Company;

No. 956, October Term, 1961. Julius Grieco, petitioner, *v.* United States;

No. 974, October Term, 1961. Art National Manufacturers Distributing Co., et al., petitioners, *v.* Federal Trade Commission;

No. 977, October Term, 1961. Robert E. Funkhouser, petitioner, *v.* United States; and

No. 1028, October Term, 1961. George S. Atkinson et al., petitioners, *v.* City of Dallas. Petitions for rehearing denied.

No. 190, October Term, 1961. United States, petitioner, *v.* Thomas Crawley Davis et al.; and

No. 268, **October Term, 1961.** Thomas Crawley Davis et al., petitioners, *v.* United States; and

No. 396, **October Term, 1961.** C. J. D. Rudolph et al., petitioners, *v.* United States. Petitions for rehearing denied. Mr. Justice White took no part in the consideration or decision of these applications.

No. 242, **October Term, 1961.** The Glidden Company, etc., petitioner, *v.* Olga Zdanok et al. The motion of American Spice Trade Association, et al. for leave to file brief, as *amici curiae*, is granted. Motion for leave to file petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of these motions.

No. 400, **October Term, 1961.** Central Railroad Company of Pennsylvania, appellant, *v.* Pennsylvania. The motion to recall the mandate presented to Mr. Justice Harlan, and by him referred to the Court, is denied. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this motion and application.

No. 480, **October Term, 1961.** Robert Morales et al., petitioners, *v.* City of Galveston et al. Motion for leave to file petition for rehearing denied.

No. 866, **October Term, 1961.** In the Matter of Lillian Clawans, petitioner. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 919, **October Term, 1961.** Jeanette E. Gondeck, petitioner, *v.* Pan American World Airways, Inc., et al. The motion for leave to file a supplement to the petition for rehearing is granted. Petition for rehearing denied.

No. 39, **Misc., October Term, 1961.** Bill Bailey, petitioner, *v.* Beryle C. Sacks, Warden, et al.;

No. 900, **Misc., October Term, 1961.** Louisiana ex rel. Steve Washington, appellant, *v.* V. G. Walker, Warden;

No. 964, **Misc., October Term, 1961.** Henry L. Thompson, Jr., petitioner, *v.* Washington;

No. 1133, **Misc., October Term, 1961.** Albert Owings, petitioner, *v.* Robert H. Jamieson, Sheriff of Middlesex County, et al.;

No. 1153, **Misc., October Term, 1961.** Stanley Olen, appellant, *v.* Sarah Elizabeth Olen;

No. 1155, **Misc., October Term, 1961.** John Boldt, petitioner, *v.* United States;

No. 1207, **Misc., October Term, 1961.** Alexander Bisno, petitioner, *v.* United States;

No. 1209, Misc., October Term, 1961. David Allen Young, petitioner, *v.* United States;

No. 1212, Misc., October Term, 1961. Fred Arispe Cruz, petitioner, *v.* Texas;

No. 1216, Misc., October Term, 1961. Joseph O'Leary, petitioner, *v.* John W. Macy, Jr., Chairman, etc., et al.;

No. 1259, Misc., October Term, 1961. Edward P. Scott, petitioner, *v.* United States;

No. 1295, Misc., October Term, 1961. Robert C. Gerald, petitioner, *v.* United States;

No. 1336, Misc., October Term, 1961. Francisco Cepero, appellant, *v.* Honorable Government of the Commonwealth of Puerto Rico et al.; and

No. 1343, Misc., October Term, 1961. Robert H. Hartford, petitioner, *v.* Dr. Samuel Wick, Director, Arizona State Hospital. Petitions for rehearing denied.

No. 1178, Misc., October Term, 1961. Jesse M. Garcia, Jr., petitioner, *v.* John W. Turner. Motion for leave to file petition for rehearing denied.

Mr. Justice Goldberg took no part in the consideration or decision of cases in which orders are this day announced.

ORAL ARGUMENT

No. 36. Wong Sun and James Wah Toy, petitioner, *v.* United States. Reargued by Mr. Edward Bennett Williams for the petitioners and by Mr. J. William Doolittle for the respondent.

No. 25. William Presser, petitioner, *v.* United States. Reargued by Mr. John G. Cardinal for the petitioner and by Mr. Stephen J. Pollack for the respondent.

No. 8. Charles Townsend, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, et al. Reargument commenced by Mr. George N. Leighton for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 9, 1962, will be as follows: Nos. 8, 5, 78, and 13.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Jack Stewart Stanley, of Long Beach, Calif., on motion of Mr. James C. Corman; Robert William Thomas, of Chicago, Ill., Thomas Joseph Freaney, Jr., of Alexandria, Va., and Thomas H. Clark, of Cincinnati, Ohio, on motion of Mr. Maurice Francis Biddle; Clifford W. Van Blarcom, of Detroit, Mich., on motion of Mr. Philip T. Van Zile II; Charles Cuprill Oppenheimer, of Ponce, P.R., on motion of Mr. Michael Francis Zavier Dolan; Harvey Bernard Rubenstein, of Wilmington, Del., on motion of Mr. Harold Leshem; Theodore Roosevelt Newman, Jr., of Washington, D.C., on motion of Mr. William B. Bryant; Raymond T. Miles, of Buffalo, N.Y., on motion of Mr. Mark N. Turner; Stanley Seymour Frazee, Jr., of Philadelphia, Pa., Hermon Manning Wells, of Philadelphia, Pa., Warren Davis Mulloy, of Philadelphia, Pa., and Robert A. Artz, of Philadelphia, Pa., on motion of Mr. William H. Allen; and Isadore B. Katz, of Washington, D.C., Franklin David Wolffe, of Washington, D.C., and Samuel Wolffe, of Washington, D.C., and Morris Fidelman, of Washington, D.C., on motion of Mr. George R. Douglas, Jr., were admitted to practice.

ORAL ARGUMENT

No. 8. Charles Townsend, petitioner, *v.* Frank G. Salin, Sheriff of Cook County, et al. Reargument continued by Mr. George N. Leighton for the petitioner, by Mr. Edward J. Hladis for the respondent and concluded by Mr. George N. Leighton for the petitioner.

No. 5. National Association for the Advancement of Colored People, etc., petitioner, *v.* Frederick T. Gray, Attorney General of Virginia, et al. Reargued by Mr. Robert L. Carter for the petitioner and by Mr. Henry T. Wickham for the respondents.

No. 78. Chester A. Pearlman, Trustee, petitioner, *v.* Reliance Insurance Company. Argument commenced by Mr. Raymond T. Miles for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 10, 1962, will be as follows:
Nos. 78, 13, 38, and 6.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Carlos J. Irizarry-Yunque', of Ponce, P.R., Hector Lugo-Bougal, of Ponce, P.R., Arthur Vernon Jones, of Newport Beach, Calif., and William Michael Corrigan, of St. Louis, Mo., on motion of Mr. Solicitor General Archibald Cox; Robert S. Young Jr., of Knoxville, Tenn., on motion of Mr. Howard H. Baker; Joe J. Harrell, of Pensacola, Fla., on motion of Mr. Samuel Intrater; James W. McGrath, of Columbia, S.C., on motion of Mr. Hubert H. Finzel; Charles Kelly Hackler, of Los Angeles, Calif., on motion of Mr. David Previant; and James Rhoderick Purdy, of Boston, Mass., Reuben Samuel Dawkins, of Boston, Mass., Alice I. McAuliffe, of Boston, Mass., Daniel W. Healy, of Boston, Mass. Sidney J. Kagan of Boston Mass., Philip Richenburg, of Boston Mass., William N. Wheeler, of Boston, Mass., Vincent Mottola of Boston, Mass., Thomas C. Garabedian, of Worcester, Mass., Edward J. McCabe, of Worcester, Mass., Herbert L. Sostek, of Malden, Mass., Margaret Mahoney Nunes, of Winchester, Mass., Robert Thomas Hughes, of Wellesley Hills, Mass., Patrick Francis Hurley, of South Hadley Falls, Mass., Paul Francis Callery, of Lowell, Mass., Paul Sostek, of Newton Mass., Eleanor Ramisch Travers, of Cambridge, Mass., Joseph H. Beecher, of Barnstable, Mass., Joseph L. Moriarty, of Quincy, Mass., and Thomas E. Flynn, Jr., of Portsmouth, N.H., on motion of Mr. Edward M. Dangel, were admitted to practice.

No. 78. Chester A. Pearlman, Trustee, petitioner, *v.* Reliance Insurance Company. Argument continued by Mr. Raymond T. Miles for the petitioner and concluded by Mr. Mark N. Turner for the respondent. Memoranda to come.

No. 13. Doyle Smith, petitioner, *v.* Evening News Association. Argued by Mr. Thomas E. Harris for the petitioner and by Philip T. Van Zile II for the respondent.

No. 38. Los Angeles Meat and Provision Drivers Union, Local 626, et al., appellants, *v.* United States. Argued by Mr. Charles K. Hackler for the appellants and by Mr. Robert B. Hummel for the appellee.

No. 6. Theodore R. Gibson, petitioner, *v.* Florida Legislative Investigation Committee. Reargument commenced by Mr. Robert L. Carter for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 11, 1962, will be as follows:
Nos. 6, 37, 16, and 40.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

George Edward Hill, of Marquette, Mich., Joseph F. Radigan, of Rutland, Vt., Joseph P. Hoey, of Brooklyn, N.Y., Lawrence Gubow, of Detroit, Mich., James B. Brennan, of Milwaukee, Wis., Ernest Morgan, of San Marcos, Tex., Bernard T. Moynahan, Jr., of Nicholasville, Ky., John T. Curtin, of Buffalo, N.Y., Frank R. Freeman, of Spokane, Wash., Harold C. Doyle, of Sioux Falls, S. Dak., Warren C. Colver, of Anchorage, Alaska, Bernard J. Brown, of Carbondale, Pa., Lawrence M. Henry, of Denver, Colo., John F. Quinn, Jr., of Albuquerque, N. Mex., Charles A. Muecke, of Phoenix, Ariz., Edward L. Shaheen, of Lake Charles, La., Harry G. Camper, Jr., of Welch, W. Va., Justin J. Mahoney, of Troy, N.Y., Joseph Davies Tydings, of Havre de Grace, Md., William H. Murdock, of Durham, N.C., William H. Craig, Jr., of Manchester, N.H., D. Jeff Lance, of St. Louis, Mo., Theodore L. Richling, of Omaha, Nebr., Orville Edwin Langley, of Muskogee, Okla., James P. Alger, of Agana, Guam, John M. Imel, of Tulsa, Okla., B. Andrew Potter, of Oklahoma City, Okla., Joseph Scofield Ammerman, of Curwensville, Pa., Sidney I. Lezak, of Portland, Oreg., H. M. Ray, of Oxford, Miss., Carl W. Feickert, of Belleville, Ill., Edward R. Phelps, of Carlinville, Ill., Alton A. Lesnard, of Lewiston, Maine; Macon L. Weaver, of Huntsville, Ala., Thomas L. Robinson, of Memphis, Tenn., Franklin Russell Millin, of Kansas City, Mo., Floyd M. Buford, of Macon, Ga., John C. Williams, of Spartanburg, S.C., William Clinton Medford, of Waynesville, N.C., C. Vernon Spratley, Jr., of Williamsburg, Va., Donald A. Wine, of Des Moines, Iowa, Robert H. Cowen, of Williamston, N.C., Donald Hines Fraser, of Hinesville, Ga., Louis C. LaCour, of New Orleans, La., Richard P. Stein, of New Albany, Ind., and Alfred W. Moellering, of Fort Wayne, Ind., on motion of Mr. Attorney General Robert F. Kennedy; Raymond Alexander Nelson, of Los Angeles, Calif., Robert Montague Bushnell, of Los Angeles, Calif., Ralph R. Sleeper, of Los Angeles, Calif., Paul Edward Mitchell, of Boston, Mass., Lawrence A. L. Scheftel, of New York, N.Y., Edward M. Post, of Louisville, Ky., and James E. Thornberry, of Louisville, Ky., on motion of Mr. Solicitor General Archibald Cox; Justin M. Golenbock, of New York, N.Y., on motion of Mr. Louis F. Oberdorfer; Joseph

Jacob Poizner, of Kansas City, Kans., on motion of Mr. Newell A. George; Norman Malcolm Hussey, of Boston, Mass., on motion of Mr. John W. Cragun; Caruthers Gholson Berger, of Washington, D.C., on motion of Mr. Jacob I. Karro; Stuart M. Speiser, of New York, N.Y., on motion of Mr. Harry S. Wender; Kenneth Felix Phillips, of San Francisco, Calif., on motion of Mr. Frederick S. Wyle; Charles Stanton Leeds, Jr., of Beverly Hills, Calif., on motion of Mr. Jerry N. Griffin; and James W. Bean, of Lafayette, La., on motion of Mr. Denver H. Graham, were admitted to practice.

ORAL ARGUMENT

No. 6. Theodore R. Gibson, petitioner, *v.* Florida Legislative Investigation Committee. Reargument continued by Mr. Robert L. Carter for the petitioner, by Mr. Mark R. Hawes for the respondent and concluded by Mr. Robert L. Carter for the petitioner.

No. 37. Hewitt-Robins Incorporated, petitioner, *v.* Eastern Freight-Ways, Inc. Argued by Mr. Harry Teichner for the petitioner and by Mr. Wilfred R. Caron for the respondent. Memorandum for respondent to come.

No. 16. Shotwell Manufacturing Company et al., petitioners, *v.* United States. Argument commenced by Mr. George B. Christensen for the petitioners and continued by Mr. William T. Kirby for the petitioners and by Mr. Joseph M. Howard for the respondent.

Adjourned until Monday, October 15, 1962, at 10 o'clock.

The day call for Monday, October 15, 1962, will be as follows: Nos. 16, 40, 27 (and 28), and 42 (43 and 44).

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

James Wadsworth Symington, of Washington, D.C., Joseph E. Wilkinson, Jr., of Selma, Ala., Edgar P. Russell, Jr., of Selma, Ala., William L. Bowers, Jr., of Houston, Tex., Herbert F. Krensky, of Miami, Fla., David J. Greenburg, of Boston, Mass., Mary Ann DeBartolo, of Long Beach, Calif., Charles Saggio, of Milwaukee, Wisc., Patrick J. Molohon, of Chicago, Ill., John Michael Sullivan, of Chicago, Ill., John Francis Reynolds, of Chicago, Ill., Allen Channon Engerman, of Chicago, Ill., Arthur Leonard Dunne, of Chicago, Ill., Salvatore C. DePiano, of Bridgeport, Conn., Arvey Wolke, of Chicago, Ill., Lois J. Scampini, of South San Francisco, Calif., and Marvin E. Aspen, of Chicago, Ill., on motion of Mr. Solicitor General Archibald Cox; Arnold Weinberger, of Denver, Colo., and Donald Campion Atkinson, of San Mateo, Calif., on motion of Mr. Will Shafroth; Alan Joel Levenson, of Portland, Maine, on motion of Mr. Edward G. Hudson; R. Ronald Calkins, of Indianapolis, Ind., on motion of Mr. Thomas A. Ziebarth; Stanley Dolnick, of Philadelphia, Pa., on motion of Mr. Patrick James Head; Leonard Walter Wagman, of New York, N.Y., on motion of Mr. Seymour Shainswit; James J. Cally, of New York, N.Y., on motion of Mr. Joseph N. Bonuso; Richard C. Amick, of San Francisco, Calif., on motion of Mr. Roger Lee Campbell; John Arthur Fillion, of Detroit, Mich., on motion of Mr. Joseph L. Rauh, Jr.; Emil Steck, Jr., of Pasadena, Calif., on motion of Mr. Jesse E. Baskette; Robert Leon Sonfield, Jr., of Houston, Tex., on motion of Mr. Robert L. Sonfield; Edward J. Davis, of Boston, Mass., on motion of Mr. William P. Corcoran; James Reiter Hinton, of Akron, Ohio, on motion of Mr. Richard T. Yery; Louis Mead Dixon, of Reno, Nev., on motion of Mr. John Fourt; Charles Dillingham, of Houston, Tex., and Benjamin H. Schleider, Jr., of Houston, Tex., on motion of Mr. John Giles Roberts; and Haven Alanson Knight, of Greenwich, Conn., and Charles E. Mosher, of Greenwich, Conn., on motion of Mr. Thomas A. Flannery, were admitted to practice.

The Chief Justice said:

“The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 148. United States, appellant, *v.* Evetts Haley, Jr. Appeal from the United States District Court for the Northern District of Texas; and

No. 139, Misc. United States, petitioner, *v.* United States District Court for the Northern District of Texas. On motion for leave to file petition for writ of mandamus. In No. 148, motion to dismiss the appeal granted and appeal dismissed. In No. 139, Misc., motion for leave to file petition for writ of mandamus granted. On writ, mandamus granted. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of these cases.

No. 230. Boston and Maine Railroad et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Massachusetts. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice White took no part in the consideration or decision of this case.

No. 235. United States et al., appellants, *v.* Department of Revenue of the State of Illinois et al. Appeal from the United States District Court for the Northern District of Illinois. The judgment is affirmed. Opinion *per curiam*.

No. 262. Peerless Stages, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of California. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 277. Utah Pharmaceutical Association, appellant, *v.* United States. Appeal from the United States District Court for the District of Utah. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 286. Southeastern Aviation, Inc., etc., appellant, *v.* A. H. Hurd, etc. Appeal from the Supreme Court of Tennessee, Eastern Division. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 291. Charlie Herbert Pulley, appellant, *v.* Helen Elizabeth Pulley. Appeal from the Supreme Court of North Carolina. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 312. David Wassermann, appellant, *v.* The Board of Regents of the University of the State of New York. Appeal from the Court of Appeals of New York. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 415. Buck C. Miller, appellant, *v.* P. Frank Lake, Secretary of State. Appeal from the Supreme Court of Texas. The appeal is dis-

missed for want of a substantial federal question. Opinion *per curiam*.

No. 13, **Misc.** Marc C. Garvin, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, on consideration of mootness judgment vacated and case remanded to the Supreme Court of Florida for such proceedings as that court may deem appropriate. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 24, **Misc.** Marc C. Garvin, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, on consideration of mootness judgment vacated and case remanded to the Supreme Court of Florida for such proceedings as that court may deem appropriate. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 49, **Misc.** James Coley Jones, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals for reconsideration in light of *Coppedge v. United States*, 369 U.S. 438. Opinion *per curiam*.

No. 408, **Misc.** William Vitoratos, appellant, *v.* Frank P. Yacobucci, Clerk, etc. Appeal from the Supreme Court of Ohio. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 446, **Misc.** William Davidson, petitioner, *v.* J. Edwin LaVallee, Warden. Appeal from the United States Court of Appeals for the Second Circuit. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 11. John Thomas Avent et al., petitioners, *v.* North Carolina. The motion to remove this case from the summary calendar is denied.

No. 155. Clarence Earl Gideon, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. The motion of respondent to strike portions of designation of record is denied.

No. 598, Misc. In the Matter of the Disbarment of John H. Gately. It is ordered that John H. Gately of Colorado Springs, Colorado, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

CERTIORARI GRANTED

No. 251. Angelika L. Schneider, petitioner, *v.* Dean Rusk, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 134. David Namet, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case transferred to the summary calendar.

No. 236. German S. Lopez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case transferred to the summary calendar.

No. 248. George K. Rosenberg, District Director, Immigration and Naturalization Service, petitioner, *v.* George Fleuti. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case transferred to the summary calendar.

No. 297. Dixilyn Drilling Corporation, petitioner, *v.* Crescent Towing & Salvage Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

No. 39. Jose Maria Gastelum-Quinones, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States; and

No. 293. Jose Maria Gastelum-Quinones, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 430. Arrow Transportation Company et al., petitioners, *v.* Southern Railway Company et al. The motion for leave to supplement the petition for certiorari and record is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 75, Misc. James E. Bush, petitioner, *v.* Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Criminal Appeals of Texas granted. Case transferred to the appellate docket.

No. 336, Misc. James Basham, petitioner, *v.* Pennsylvania Railroad Company. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of New York granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 413, Misc. Willie Norvell, petitioner, *v.* Illinois. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Illinois granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 206. The Bowater Steamship Company, Ltd., petitioner, *v.* Earl Patterson, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 227. David Wassermann, petitioner, *v.* The Board of Regents of the University of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 239. The Farmers Union Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 249. Sun Oil Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 250. Sun Oil Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 253. J. G. Boswell Company, etc., petitioner, *v.* Commissioner of Interior Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 255. Federal Trade Commission, petitioner, *v.* Timken Roller Bearing Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 256. In the Matter of the Estate of Annie E. Hurst, Deceased. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 270. Bank of America National Trust and Savings Association, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 276. Northern California Pharmaceutical Association et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 292. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v.* Overnite

Transportation Company. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 296. William A. Reiling, petitioner, *v.* Byron H. Hammersten. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 298. Charles M. Land, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 170. Louis Finkelstein et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 175. Harold Zucker, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 285. Joe Quong et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 54, Misc. Rico J. Alvarez, alias James Walker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 55, Misc. John Raymond Malone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 110, Misc. Donald David Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 155, Misc. William Howard Duncan, petitioner, *v.* Cale D. Holder, Judge, United States District Court for the Southern District of Indiana. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 190, Misc. M. J. Nations, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 200, Misc. Ruben Dario Sanchez, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 253, Misc. Harold Wayne Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 254, *Misc.* Raymond George Orrie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 269, *Misc.* George G. Shifflett, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 272, *Misc.* Michael Zupko, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 276, *Misc.* Robert James Foster, petitioner, *v.* Peter J. Pitches, Sheriff, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 282, *Misc.* Philip N. McAbee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 304, *Misc.* Tom Don Franano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 307, *Misc.* Grover P. Taylor, petitioner, *v.* James R. Evans, Chief of Police. Petition for writ of certiorari to the Supreme Court of California denied.

No. 308, *Misc.* Samuel M. Hutchins, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 309, *Misc.* Robert T. Smith, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 317, *Misc.* Carless Russell Barnhill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 321, *Misc.* Jimmy Jasper Dixon, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 324, *Misc.* Thomas A. Butler, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 325, *Misc.* Emery L. Bales, petitioner, *v.* Western Barium Corp. et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 329, *Misc.* Ignacio S. Villarreal, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 331, Misc. Aurweid George Reickauer, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 333, Misc. Albin Stanislawski, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 334, Misc. Herman Barmore, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 338, Misc. Arthur Spinney, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 340, Misc. Arthur C. Schultz, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 341, Misc. Isaac J. Hill, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 342, Misc. John D. Duncan, petitioner, *v.* Maine. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 344, Misc. Clarence Duke McGann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 345, Misc. Anthony Marro and Joseph Balcer, petitioners, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 349, Misc. James Earl Ray, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 350, Misc. John Edward Reece, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 353, Misc. LeRoy Nash, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 357, Misc. William D. Rine, petitioner, *v.* Otto C. Boles, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 362, Misc. Bennie Lee McIntyre, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 364, Misc. Paul Jenkot, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 369, Misc. James A. Ballard, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 372, Misc. Alonzo Hampton, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 378, Misc. Eura Dufrene, petitioner, *v.* ~~Insurance~~^{Insurance} Company of North America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 379, Misc. James Edward Jefferson, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 380, Misc. Eddie Goodman, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 381, Misc. Alexander G. Jeronis, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 382, Misc. George H. Hornbeck, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 384, Misc. Curtis Midgett, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 385, Misc. Percy F. Hicks, petitioner, *v.* Arthur S. Flemming, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 386, Misc. John V. Short, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 387, Misc. Teresa M. Smith, petitioner, *v.* Industrial Accident Commission of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 388, Misc. Herbert Lee Foster, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 393, Misc. William Walker, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 395, Misc. Robert L. King, petitioner, *v.* E. L. Maxwell, Warden, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 398, **Misc.** Lewis Miles, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 401, **Misc.** Ray L. Smith, petitioner, *v.* Kern Truck Sales, Inc., et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 404, **Misc.** James W. Nelson, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 405, **Misc.** James Weaver, petitioner, *v.* B. C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 406, **Misc.** William E. Bryan, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 409, **Misc.** Percy King, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 411, **Misc.** Eugene Pollard, petitioner, *v.* William H. Bannan, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 417, **Misc.** Sidney Smith, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 418, **Misc.** Theophilus Ward, petitioner, *v.* New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 419, **Misc.** Eugene Lloyd, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 420, **Misc.** Hosea Payne, petitioner, *v.* S. S. Nabob et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 428, **Misc.** William A. Wynn, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 434, **Misc.** William Kiefaber, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 436, **Misc.** Ernest Marshall, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 439, **Misc.** Leonard Ewing Scott, petitioner, *v.* Superior Court of California in and for the County of Los Angeles. Petition for writ of certiorari to the Supreme Court of California denied.

No. 440, **Misc.** Leonard Ewing Scott, petitioner, *v.* Superior Court of California in and for the County of Los Angeles, etc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 441, **Misc.** Leonard Ewing Scott, petitioner, *v.* Superior Court of California in and for the County of Los Angeles, etc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 442, **Misc.** Ambrose King, petitioner, *v.* Corrections Commission and Parole Board Members et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 443, **Misc.** Jesse James Conklin, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 448, **Misc.** Ralph Darling, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 453, **Misc.** Perry W. Moore, etc., petitioner, *v.* Martin J. Wiman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 454, **Misc.** Charles Schneider, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 455, **Misc.** David Taylor, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 457, **Misc.** Robert Wesley, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 461, **Misc.** John J. Clouthier, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 462, **Misc.** Eli Herman Hutcherson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 465, **Misc.** Mathew Mack Callahan, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 466, **Misc.** Charles Winfred Myles, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 483, **Misc.** George D. Hagedwood, petitioner, *v.* William H. Bannan, Warden, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 491, Misc. Donald F. Wallace, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 492, Misc. John Bell, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 34, Misc. Fay Ward, Jr., petitioner, *v.* John Turner, Warden. Petition for writ of certiorari to the Supreme Court of Utah denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 87, Misc. Victor Harry Feguer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Black took no part in the consideration or decision of this petition.

No. 407, Misc. Earl T. Penrice, petitioner, *v.* California. Petition for writ of certiorari and for other relief to the Supreme Court of California denied.

No. 432, Misc. Earl J. Brinson, petitioner, *v.* California. Petition for writ of certiorari and for other relief to the Supreme Court of California denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 464, Misc. John Arnold Powell, petitioner, *v.* Harold V. Langlois, Warden;

No. 488, Misc. Amancio Castro Perez, petitioner, *v.* D. M. Heritage, Warden;

No. 509, Misc. Eduardo Forestier, petitioner, *v.* D. M. Heritage, Warden;

No. 510, Misc. Vincente Rivera Valpais, petitioner, *v.* D. M. Heritage, Warden;

No. 511, Misc. Rafael Vargas Pacheco, petitioner, *v.* D. M. Heritage, Warden;

No. 512, Misc. Carlos Luciano Perez, petitioner, *v.* D. M. Heritage, Warden;

No. 513, Misc. Manuel Planellas Gonzalez, petitioner, *v.* D. M. Heritage, Warden;

No. 514, Misc. Edward Muza, petitioner, *v.* California et al.;

No. 525, Misc. Alfred Linus DeMarios, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections;

No. 530, Misc. Julio Diaz Santos, petitioner, *v.* D. M. Heritage, Warden;

No. 537, Misc. Rafael Velilla Arrieta, petitioner, *v.* D. M. Heritage, Warden;

No. 538, Misc. Fernando Lucret Galarza, petitioner, *v.* D. M. Heritage, Warden;

No. 539, Misc. Luis Mendoza Carrion, petitioner, *v.* D. M. Heritage, Warden; and

No. 540, Misc. Alexander P. Martinez, petitioner, *v.* Fred R. Dickson; Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 506, Misc. John P. Carmelo, petitioner, *v.* E. L. Maxwell, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 335, Misc. James Wilson, petitioner, *v.* Richard H. Chambers, Chief Judge, et al. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 422, October Term, 1961. William Link, petitioner, *v.* Wabash Railroad Company. Petitions for rehearing and reargument denied. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of this application.

No. 1020 Misc., October Term, 1961. J. Edward Pugh, petitioner, *v.* Virginia. Petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this application.

ORDER

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42, and that such allotment be entered of record, viz:

For the District of Columbia Circuit, Earl Warren, Chief Justice,

For the First Circuit, Arthur J. Goldberg, Associate Justice,

For the Second Circuit, John M. Harlan, Associate Justice,

For the Third Circuit, William J. Brennan, Jr., Associate Justice,

For the Fourth Circuit, Earl Warren, Chief Justice,

For the Fifth Circuit, Hugo L. Black, Associate Justice,

For the Sixth Circuit, Potter Stewart, Associate Justice,

For the Seventh Circuit, Tom C. Clark, Associate Justice,

For the Eighth Circuit, Byron R. White, Associate Justice,

For the Ninth Circuit, William O. Douglas, Associate Justice,

For the Tenth Circuit, Byron R. White, Associate Justice.

RECESS ORDER

The Court will take a recess from Monday, October 22, until Monday, November 5, 1962.

ORAL ARGUMENT

No. 16. Shotwell Manufacturing Company et al., petitioners, *v.* United States. Argument continued by Mr. Louis F. Oberdorfer for the respondent and concluded by Mr. George B. Christensen for the petitioners.

No. 40. Gilbertville Trucking Co., Inc., et al., appellants, *v.* United States et al. Leave granted Mr. Loyd M. Starrett to appear and present oral argument for the appellants, *pro hac vice*, on motion of Mr. Lionel Kestenbaum. Argued by Mr. Loyd M. Starrett for the appellants, *pro hac vice*, by special leave of Court, and by Mr. Lionel Kestenbaum for the appellees.

No. 27. Burlington Truck Lines, Inc., et al., appellants, *v.* United States et al.; and

No. 28. General Drivers and Helpers Union, Local 554, etc., appellant, *v.* United States et al. Argument commenced by Mr. David Axelrod for the appellants in No. 27 and continued by Mr. David D. Weinberg for the appellants in No. 28.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 16, 1962, will be as follows: Nos. 27 (and 28), 42 (43, and 44), 46, and 48 (and 50).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Roger C. Cramton, of Ann Arbor, Mich., on motion of Mr. William S. Cheatham; James E. Cunningham, Sr., of San Bernardino, Calif., Harold R. Vague, of Denver, Colo., Charles Weldon Kirk, of Sweetwater, Tex., J. Varick Tunney, of Riverside, Calif., Victor Hugo Negron, of Abilene, Tex., and Donald W. O'Brien, of New Britain, Conn., on motion of Mr. Maurice Francis Biddle; Donald Gallagher, of San Francisco, Calif., and Theodore Groezinger, of San Francisco, Calif., on motion of Mr. Charles Sylvanus Rhyne; Wallace Scott Myers, of San Anselmo, Calif., on motion of Mr. Ashley Sellers; Alf Rusten Stavig, of Sacramento, Calif., on motion of Mr. Tom Killefer; Warren Sherman Richardson, of Fillmore, N.Y., on motion of Mr. Byron Nicholson Scott; John P. Lipscomb, of Washington, D.C., on motion of Mr. George W. Beatty; Lewis S. Pendleton, Jr., of Richmond, Va., on motion of Mr. Henry F. Butler; William J. Harbison, of Nashville, Tenn., and Robert C. Norman, of August, Ga., on motion of Mr. James A. Bistline; Granville Robert Patrick, of Richmond, Va., and Samuel Watts Phillips, of Richmond, Va., on motion of Mr. Norman W. Golden; John Thomas Lynch, of Indianapolis, Ind., on motion of Mr. Maurice N. Ray; George Thomas Kalaris, of Billings, Mont., on motion of Mr. Richard Drain; and Brice McAdoo Clagett, of Washington, D.C., on motion of Mr. Thaddeus G. Holt, Jr., were admitted to practice.

ORAL ARGUMENT

No. 27. Burlington Truck Lines, Inc., et al., appellants, *v.* United States et al.; and

No. 28. General Drivers and Helpers Union, Local 554, etc., appellant, *v.* United States et al. Argument continued by Mr. David D. Weinberg for the appellant in No. 28, by Mr. Robert W. Ginnane for appellees, the United States and Interstate Commerce Commission and concluded by Mr. J. Max Harding for appellee, Nebraska Short Line Carriers, Inc.

No. 42. United States, appellant, *v.* Loew's Incorporated et al.;

No. 43. Loew's Incorporated et al., appellants, *v.* United States; and

No. 44. C & C Super Corp., appellant, *v.* United States. Argued by Mr. Daniel M. Friedman for the appellant in No. 42 and for the appellee in Nos. 43 and 44, by Mr. Louis Nizer for appellees in No. 42 and appellants in No. 43, Loew's Incorporated, Associated Artists Production Inc. and United Artists Corporation, by Mr. Myles J. Lane for appellee in No. 42 and appellant in No. 43, Screen Gems, Inc., by Mr. Mervin C. Pollak for the appellant in No. 44 and by Mr. Justin M. Golenbock for appellee in No. 42, National Telefilm Associates, Inc.

No. 46. Southern Construction Company, Inc., et al., petitioners, *v.* Samuel J. Pickard, etc. Argued by Mr. William J. Harbison for the petitioners and by Mr. Edward Gallagher for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 17, 1962, will be as follows: Nos. 48 (and 50), 19, and 81.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Larry Luster Gollaher, of Seagoville, Tex., and Richard R. Ryder, of Richmond, Va., on motion of Mr. Solicitor General Archibald Cox; Stephen Wright Craig, of Jefferson, Maine, on motion of Mr. John Gregory Bruce; David W. Craig, of Pittsburgh, Pa., on motion of Mr. Charles Sylvanus Rhyne; J. Frederick Hoffman, of Lafayette, Ind., on motion of Mr. William Holmes Cook; Martin J. Andrew, of Denver, Colo., on motion of Mr. Alexander Heron; Henry E. Millson, Jr., of Berkeley Heights, N.J., on motion of Mr. C. Dinwiddie Stores; Robert B. Langstaff, of Albany, Ga., and David Robert Cumming, Jr., of Atlanta, Ga., on motion of Mr. Mac Asbill; Richard Gyory, of New York, N.Y., on motion of Mr. Abraham J. Harris; William G. Tucker, of Los Angeles, Calif., on motion of Mr. Richard Bruce Bilder; William R. Tincher, of Lakewood, Calif., on motion of Mr. Carleton Allen Harkrader; and John L. Freeman, of New York, N.Y., on motion of Mr. Richard H. Demuth, were admitted to practice.

ORAL ARGUMENT

No. 48. Federal Power Commission, petitioner, *v.* Tennessee Gas Transmission Company et al.; and

No. 50. City of Pittsburgh, Pennsylvania, petitioner, *v.* Tennessee Gas Transmission Company et al. Argued by Mr. Ralph S. Spritzer for the petitioner in No. 48, by Mr. Charles S. Rhyne for the petitioner in No. 50, by Mr. Harry S. Littman for respondent, Tennessee Gas Transmission Company, and by Mr. Brooks E. Smith for respondents, The Manufacturers Light and Heat Company, The Ohio Fuel Gas Company, and United Fuel Gas Company. Memorandum for petitioner to come.

No. 19. Charles Paul, Director of Agriculture of California, et al., appellants, *v.* United States. Argument commenced by Mr. John Fourt for the appellants and continued by Mr. Solicitor General Cox for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 18, 1962, will be as follows: Nos. 19, 81, 69, and 41.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

James J. McCarthy, of Santa Monica, Calif., on motion of Mr. Solicitor General Archibald Cox; Robert Adelson, of New York, N.Y., on motion of Mr. Daniel M. Gribbon; Walter G. Holden, of Washington, D.C., on motion of Mr. David Ferber; Earl I. Sherman, of Detroit, Mich., on motion of Mr. Harry S. Wender; C. Russell Lockwood, of Lincoln, Nebr., on motion of Mr. Monte M. Taylor; Roland Duke Ealey, of Richmond, Va., and Thomas L. Hicks, Jr., of Richmond, Va., on motion of Mr. Clarence W. Newsome; Carlisle Martin Moore, of San Francisco, Calif., on motion of Mr. Abraham A. Saffitz; Frederick J. Frosch, of Indianapolis, Ind., on motion of Mr. Irving Kator; Elsie Brown Silverman, of Amarillo, Tex., and Ely Silverman, of Amarillo, Tex., on motion of Mr. Franklin David Wolfe; Anthony Carmen Moscatello, of Washington, D.C., and Hubert Mark Schlosberg, of Washington, D.C., on motion of Mr. Harvey Allen Jacobs; Paul A. Frank, of Schenectady, N.Y., on motion of Mr. Frank L. Neuhauser; and John W. Hanifin, of Richmond, Va., on motion of Mr. Hewitt Biaett, were admitted to practice.

CERTIORARI DENIED

No. 348, *Misc.* John Bizup, Jr., petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

ORAL ARGUMENT

No. 19. Charles Paul, Director of Agriculture of California, et al., appellants, *v.* United States. Argument continued by Mr. Solicitor General Cox for the appellee and concluded by Mr. John Fourt for the appellants.

No. 81. United States, appellant, *v.* Georgia Public Service Commission. Argued by Mr. Solicitor General Cox for the appellant and by Mr. Paul Rodgers for the appellee.

No. 69. United States, appellant, *v.* Ralph L. Sampson et al. Argued by Mr. Howard P. Willens for the appellant and by Mr. Randolph W. Thrower for the appellees.

Adjourned until Monday, October 22, 1962, at 10 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

L. Marie Van Hise, of Washington, D.C., George Albert Trigueros, of Sacramento, Calif., Bernard Raymond Coyle, of Los Angeles, Calif., John N. Crudup, of Gainesville, Ga., Donald H. C. Low, of Honolulu, Hawaii, Michael Sarsfield Bohan, of New York, N.Y., Joseph Anthony Cullen, of New York, N.Y., Arthur J. Rouse, of Nanuet, N.Y., and Eugene F. Trunko, of Akron, Ohio, on motion of Mr. Solicitor General Archibald Cox; Mary Jo Grotenrath, of Columbus, Ohio, and Marian L. Paisley, of Columbus, Ohio, on motion of Miss Helen Rose Lally; John R. Donnelly, of Newburgh, N.Y., Alfred C. Brinson, of Greenville, N.C., and Paul Sidoran, of Scarborough, Maine, on motion of Mr. Maurice Francis Biddle; Theodore R. Lee, of Woodstock, N.Y., on motion of Mr. Charles Sylvanus Rhyne; William E. Hanzen, of Pendleton, Oreg., on motion of Mr. Guy Cordon; Frederick A. Miller, of West Allis, Wis., on motion of Mr. Robert F. Milota; John W. Glendening, Jr., of New York, N.Y., on motion of Mr. William R. Connole; Richard M. Montecucco, of Olympia, Wash., and Ralph G. Swanson, of Olympia, Wash., on motion of Mr. Joseph Peter Adams; Murray Gomer, of Beverly Hills, Calif., on motion of Mr. Joseph L. Nellis; Peter J. Schlesinger, of New York, N.Y., and Max Zimny, of New York, N.Y., on motion of Mr. Morris P. Glushien; Joseph F. O'Neil, of Boston, Mass., on motion of Mr. Leon M. Shinberg; Jimmy W. Kiser, of Charlotte, N.C., on motion of Mr. Paul A. Kovar; Aaron L. Buchsbaum, of Savannah, Ga., on motion of Mr. Herbert N. Maletz; John S. Battle, Jr., of Richmond, Va., on motion of Mr. Scott P. Crampton; Hays Varnes Hettinger, of Fort Worth, Tex., on motion of Mr. James D. Hill; John B. Young, of Los Angeles, Calif., on motion of Mr. Francis D. Thomas, Jr.; Robert J. Cooke, of Westminster, Md., on motion of Mr. Claudius Rogers Hall, Jr.; Charles W. Jamieson, of Chicago, Ill., on motion of Mr. Raymond Negus; Lloyd J. Seay, of North Hollywood, Calif., on motion of Mr. Franz Otto Willenbacher; Herman T. Benn, of Richmond, Va., on motion of Mr. Roland D. Ealey; Richard Francis Sullivan, of Rutland, Vt., on motion of Mr. Thomas M. Debevoise; Maurice B. Wigderson, of Mequon, Wis., on motion

of Mr. Benedict F. Fitzgerald, Jr.; Hugh Latimer, of Washington, D.C., on motion of Mr. Howard Adler, Jr.; and Elijah Curran Burnett, Jr., of Spartanburg, S.C., James Robert Turner, Sr., of Spartanburg, S.C., George Stuart DePass, of Spartanburg, S.C., James Barnett Stephen, of Spartanburg, S.C., Horace Carroll Smith, of Spartanburg, S.C., Paul Miller Moore, of Spartanburg, S.C., Paul Stanley McChesney, Jr., of Spartanburg, S.C., Milton Alfred Smith, of Spartanburg, S.C., M. Noel Turner, of Spartanburg, S.C., James O. Thomason, of Spartanburg, S.C., Thomas Emmet Walsh, of Spartanburg, S.C., Harold C. Hanna, of Woodruff, S.C., and William Kyle Cox, Sr., of Woodruff, S.C., on motion of Mr. Matthew Poliakoff, were admitted to practice.

The Chief Justice said:

“The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 191. Julia Ioannou, appellant, *v.* New York et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

No. 299. Thomas M. Kavanagh et al., appellants, *v.* Sanford A. Brown, Treasurer of Michigan, et al. Appeal from the United States District Court for the Eastern District of Michigan. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 304. Fred S. Geer, Executor etc., et al., appellants, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 307. Consolidated Rock Products Company et al., appellants, *v.* City of Los Angeles. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas and Mr. Justice Harlan are of the opinion that probable jurisdiction should be noted.

No. 324. Alabama et al., petitioners, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment affirmed. Opinion *per curiam*.

No. 327. City of Akron et al., appellants, *v.* Ohio ex rel. Mark McElroy, Attorney General. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 18, Misc. Edward Walton, Jr., petitioner, *v.* Arkansas. On petition for writ of certiorari to the Supreme Court of Arkansas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to that court for further consideration in light of *Hamilton v. Alabama*, 368 U.S. 52, or for such other appropriate proceedings as may be available under state law for resolution of the constitutional claim. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al. The motion for leave to file bill of complaint is granted and the State of New Jersey is allowed sixty days to answer.

No. 53, Misc. In the Matter of the Disbarment of Jules Chopak.

It having been reported to the Court that Jules Chopak, of Brooklyn, State of New York, has been disbarred from the practice of law in all the courts of the State of New York by judgment of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, duly entered on the 30th day of June A.D., 1960, and this Court by order of April 6, 1962, having suspended the said Jules Chopak from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid;

It is ordered that the said Jules Chopak be, and he is hereby disbarred, and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

CERTIORARI GRANTED

No. 305. A. J. Whipple et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

No. 316. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, et al., petitioners, *v.* Anna Mae Allen et al. Petition for writ of certiorari to the Supreme Court of North Carolina granted and case transferred to the summary calendar.

No. 322. Alexander T. Sperry, petitioner, *v.* State of Florida *ex rel.* the Florida Bar. Petition for writ of certiorari to the Supreme Court of Florida granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 302. Luz Porrata Y Veve, etc., petitioner, *v.* Fajardo Sugar Co. et al. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 306. Robert E. Walsh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 310. Charles H. Carnal, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 313. Ripple Sole Corporation, petitioner, *v.* American Biltrite Rubber Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 315. New England Tank Industries, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 320. E. J. Lavino and Company, petitioner, *v.* United States Lines Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 321. Kaltrieder Construction, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 325. Eve Spiro John, petitioner, *v.* Tribune Company. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 326. Julius Mendelson et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 328. Fox Turkey Farms, Inc., petitioner, *v.* Farmers Mutual Hail Insurance Company of Iowa. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 221. Virginia Milanovich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 308. Floyd Dinan et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 314. James R. Hoffa et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 317. Hardware Mutual Casualty Company, petitioner, *v.* Adam McIntyre;

No. 318. United States Fidelity & Guaranty Company, petitioner, *v.* Horace Hart; and

No. 319. Standard Accident Insurance Company, petitioner, *v.* Marcos V. Aguirre, Jr. The motion for leave to file an amended brief in opposition to the petition for writ of certiorari in No. 317 is granted. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 82, Misc. Robert Thompson, petitioner, *v.* Donald C. Clemmer, Director, Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 108, Misc. Isaiah Andrews, petitioner, *v.* Olin Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 121, Misc. William L. P. Burke, petitioner, *v.* Curtis Reid, Supt., District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 193, Misc. Elwood Sawyer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 216, Misc. Ralph Tuttle, petitioner, *v.* Maine. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 232, Misc. Frank G. Bagley, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 327, Misc. Manuel Joe Chavez and Clyde Bates, petitioners, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 352, Misc. Trent Boyes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 356, Misc. Raymond Richardson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 365, *Misc.* Erasmo Cintron Garcia, petitioner, *v.* D. M. Heritage, Warden. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 370, *Misc.* Dennis Surratt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 371, *Misc.* Joseph A. Bolden, Jr., petitioner, *v.* Paul F. Pegelow et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 375, *Misc.* Lowell Lee Andrews, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 416, *Misc.* John J. de Mello, petitioner, *v.* Harold V. Langlois, Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 421, *Misc.* Ben Read, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 429, *Misc.* Leland Roy Baugus and Nicholas Joseph Sikalis, petitioners, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 431, *Misc.* Ernestine Foster, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 433, *Misc.* Lester Newton, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 447, *Misc.* Robert James Foster, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California denied.

No. 469, *Misc.* Charles Johnson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 470, *Misc.* Samuel Bybee, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 473, *Misc.* Guy Williams, Jr., petitioner, *v.* R. B. Eckle, Superintendent, London Correctional Institution. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 486, *Misc.* Jesse L. Hughes, Jr., petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 20, *Misc.* Raymond E. Davies, petitioner, *v.* Dr. Russell O. Settle, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied, the Court having

duly noted the undertaking of the Solicitor General that the Government will not contest the vacation of petitioner's adult commitment if a motion under 28 U.S.C. 2255 is filed in the sentencing court.

LEAVE TO FILE PETITION FOR WRITS OF HABEAS CORPUS *Denied*

No. 150, Misc. William L. P. Burke, petitioner, v. Sam Anderson, Superintendent, District of Columbia Jail, et al.; and

No. 527, Misc. Louis Gene Menard, petitioner, v. Elbert V. Nash, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

Adjourned until Monday, November 5, 1962, at 10 o'clock.

The day call for Monday, November 5, 1962, will be as follows:
Nos. 11, 26, 58, and 66.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Charles A. Donelan, of Hyattsville, Md., Lester R. Uretz, of Alexandria, Va., Robert C. Weaver, of Los Angeles, Calif., Ralph Andrew Ashton, of Baltimore, Md., Joseph J. Kessler, of Washington D.C., Dwight J. Dalbey, of Bethesda, Md., and Henry L. Diamond, of Chattanooga, Tenn., on motion of Mr. Solicitor General Archibald Cox; Benjamin Allston Moore, Jr., of Charleston, S.C., on motion of Mr. Leavenworth Colby; Jack Egon Guenther, of San Antonio, Tex., and Robert H. Rice, of San Antonio, Tex., on motion of Mr. Paul J. Kilday; James G. Whyte, of Claremont, Calif., on motion of Mr. Robert Mack Weston; Harry W. McGalliard, of Raleigh, N.C., on motion of Mr. Ralph Moody; Leticia A. Tedeschi Sant'Agata, of San Juan, P.R., on motion of Mr. Julius Greisman; George H. Bovingdon, of Seattle, Wash., on motion of Mr. Kenneth A. Cox; Burt M. Morewitz, of Newport News, Va., on motion of Mr. Paul H. Gantt; Thomas J. Greer, Jr., of Washington, D.C., on motion of Mr. M. Ted Rapses; Alfred Hinds Carter, of Silver Spring, Md., Douglas Hamilton Moore, Jr., of Rockville, Md., Richard Joseph Sincoff, of Rockville, Md., Robert A. Kaloosdian, of Watertown, Mass., Vasken Minasian, of Anchorage, Alaska, Watts Earl Davis, of Birmingham Ala., and J. M. Breckenridge, of Birmingham, Ala., on motion of Mr. Charles Sylvanus Rhyne; Andrew J. Ryan, Jr., of Savannah, Ga., John Seaborn Harrison, of Stone Mountain, Ga., and Sylvan Adler Garfunkel, of Savannah, Ga., on motion of Mr. Gresham Harrison; Leonard Henry Monroe, of Beverly Hills, Calif., on motion of Mr. Julius I. Fox; Lewis Stanton Garner, Jr., of Washington, D.C., on motion of Mrs. Helen W. Nies; Sanford Dean Kaufman, of New York, N.Y., on motion of Mr. Arthur D. Schaffer; George A. Kampmann, of San Antonio, Tex., on motion of Mr. Winchester Kelso; Richard S. Fuller, of Miami, Fla., on motion of Mr. David A. Sutherland; John L. Donahue, Jr., of Tucson, Ariz., on motion of Mr. Marvin S. Cohen; Lester Stein, of New York, N.Y., on motion of Mr. Paul E. Treusch; Eric P. Schellin, of Washington, D.C., on motion of Mr. Felix A. Russell; John Pettit Nelson, Jr., of New Orleans, La., and Nils R. Douglas, of New Orleans, La., on motion of Mr. Robert F. Collins; Robert L.

Sigmon, of New York, N.Y., on motion of Mr. Gerald J. Dunworth; Paul A. Downing, of Chicago, Ill., on motion of Mr. Ira S. Siegler; Stanley J. Zabar, of New York, N.Y., on motion of Mr. Isidore H. Wachtel; and William Gaston Pearson II, of Durham, N.C., on motion of Mr. Jack Greenberg, were admitted to practice.

OPINIONS

No. 42. United States, appellant, *v.* Loew's Incorporated et al.;

No. 43. Loew's Incorporated et al., appellants, *v.* United States; and

No. 44. C & C Super Corp., appellant, *v.* United States. Appeals from the United States District Court for the Southern District of New York. Judgments vacated and cases remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins concurring in part and dissenting in part.

No. 46. Southern Construction Company, Inc., et al., petitioners, *v.* United States for the Use of Samuel J. Pickard, d/b/a Pickard Engineering Company. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed insofar as it relates to the counterclaim and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 200. Edward J. Wetzel, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to substitute Margie Wetzel, Administratrix of the Estate of Edward J. Wetzel in the place of Edward J. Wetzel as the party appellant is granted. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Concurring opinion by Mr. Justice Douglas. Mr. Justice Black would note probable jurisdiction. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan and Mr. Justice Stewart join.

No. 330. Citizens Utilities Company of California, appellant, *v.* Superior Court of California, County of Sacramento, et al. Appeal from the District Court of Appeal of California, Third Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 351. W. A. Brookshire, appellant, *v. Missouri*. Appeal from the Supreme Court of Missouri. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 352. W. A. Brookshire, appellant, *v. Dorothy C. Contestible, Administratrix, etc.* Appeal from the Supreme Court of Missouri. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 353. Teresa Grisanti, etc., appellant, *v. The City of Cleveland et al.* Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 360. Chicago & Eastern Illinois Railroad Company et al., appellants, *v. United States et al.* Appeal from the United States District Court for the Northern District of Illinois. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black, and Mr. Justice Douglas would note probable jurisdiction.

No. 367. United States, appellant, *v. Bliss & Laughlin, Inc.* Appeal from the United States District Court for the Southern District of California. Judgment vacated and case remanded for reconsideration in light of *Brown Shoe Co., Inc. v. United States, 370 U.S. 294*. Opinion *per curiam*.

No. 564, Misc. Maury Gluckstern, appellant, *v. New York*. Appeal from the Appellate Division of the Supreme Court of New York, First Judicial Department. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 5. National Association for the Advancement of Colored People, etc, petitioner, *v. Frederick T. Gray, Attorney General of Virginia, et al.* The motion to substitute Robert Y. Button et al. in the place of Frederick T. Gray et al, as parties respondent is granted.

No. 80. Mark E. Schlude et al., petitioners, *v. Commissioner of Internal Revenue*. The motion of American Institute of Certified Public Accountants for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 91. Ivan C. McLeod, Regional Director for the Second Region of the National Labor Relations Board, petitioner, *v. Empresa Hondurena de Vapores, S.A.; and*

No. 93. National Maritime Union of America, AFL-CIO, petitioner, *v.* Empresa Hondurena de Vapores, S.A. The motion of The Government of the United Kingdom of Great Britain and Northern Ireland for leave to file brief, as *amicus curiae*, is granted. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 104. New Jersey et al., appellants, *v.* New York, Susquehanna and Western Railroad Company. The motion of Railway Labor Executives' Association for leave to file brief, as *amicus curiae*, is granted.

No. 489. Raymond Downum, petitioner, *v.* United States. The motion for appointment of counsel is granted and it is ordered that Richard Tinsman, Esquire, of San Antonio, Texas, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 491. Albert Andrews, petitioner, *v.* United States; and

No. 494. Robert L. Donovan, petitioner, *v.* United States. The motions for appointment of counsel are granted and it is ordered that E. Barrett Prettyman, Jr., Esquire, of Washington, D.C., a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioners in these cases.

No. 573, **Misc.** In the Matter of the Disbarment of Ellis Brodstein. Ellis Brodstein, Esquire, of Reading, Pennsylvania, having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court. The rule to show cause heretofore issued is discharged.

CERTIORARI GRANTED

No. 332. Fenelon Boesche, Administrator, etc., petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted limited to the question presented by the petition which reads as follows:

Whether the Secretary of the Interior has authority under Section 31 of the Mineral Leasing Act, as amended, to cancel oil and gas leases by administrative action, for failure to comply with the Department's regulations.

The case is transferred to the summary calendar.

No. 127, **Misc.** Henry Rogers Anderson, petitioner, *v.* Kentucky. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of Kentucky granted. Case transferred to the appellate docket.

CERTIORARI DENIED

No. **241.** John Torpats, petitioner, *v.* John A. McCone. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **275.** Estate of Floyd B. Faulkerson, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **300.** Socony Mobil Oil Company, Inc., petitioner, *v.* Brooklyn Union Gas Company et al.;

No. **303.** Marathon Oil Company, petitioner, *v.* Brooklyn Union Gas Company et al.;

No. **339.** Transcontinental Gas Pipe Line Corporation, petitioner, *v.* Brooklyn Union Gas Company et al.; and

No. **344.** Brooklyn Union Gas Company et al., petitioners, *v.* Transcontinental Gas Pipe Line Corporation. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **329.** Arkansas Louisiana Gas Company, petitioner, *v.* Lee B. Thompson, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **333.** City of Detroit et al., petitioners, *v.* Theatre Control Corporation et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. **336.** L. K. Peterson et al., petitioners, *v.* Herbert E. Tharp. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **338.** Hugh Erbie Brooks et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **341.** H. L. Dillon, Jr., et al., petitioners, *v.* Michel T. Halbouty et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. **342.** Robert N. Baehr et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **343.** Akshun Manufacturing Company et al., petitioners, *v.* North Star Ice Equipment Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **345.** Benjamin Colby, petitioner, *v.* Sarah P. Colby. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. **346.** Santa Maria Shipowning & Trading Company, S.A., et al., petitioners, *v.* Fanorios Panteloglou et al. Petition for writ of certi-

orari to the United States Court of Appeals for the Second Circuit denied.

No. 348. Evelyn Lundberg, Administratrix, etc., petitioner, *v.* Rose Fuel & Materials, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 350. George Beck, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 354. The United States District Court for the Eastern District of Pennsylvania, and the Judges Thereof, petitioners, *v.* Timothy J. Mahoney et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 356. William A. Tripp, petitioner, *v.* Irene F. Tripp. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 357. J. Newton Bramblett et al., petitioners, *v.* W. Francis Wilson. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 358. J. E. Audet et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 359. Ruby Nafie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 361. Jesse Colpo, petitioner, *v.* Highway Truck Drivers and Helpers, Local 107, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 363. Paul Ginsburg, petitioner, *v.* Hon. Dave W. Ling, Judge of the United States District Court for the District of Arizona. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 366. Earl C. Corey, petitioner, *v.* United States; and

No. 387. Laurence M. Smith, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 369. John A. Perricone et al., petitioners, *v.* New Jersey et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 371. Atlantic Coast Line Railroad Company, petitioner, *v.* E. H. Milstead; and

No. 382. Brotherhood of Locomotive Fireman and Enginemen, etc., et al., petitioners, *v.* E. H. Milstead. Petitions for writs of certiorari to the Supreme Court of Alabama denied.

No. **372**. Troy B. Cade et al., petitioners, *v.* City of Monroe. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. **374**. Francesco Todaro, petitioner, *v.* Thomas M. Pederson, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **410**. Jackson Brewing Company, petitioner, *v.* Jack D. Clarke, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **331**. Samuel Klapholz, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **349**. United Mine Workers of America, petitioner, *v.* Flame Coal Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **365**. Kalman Greenhill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **337**. Ben E. Pederson, petitioner, *v.* Minnesota et al. The motion for leave to dispense with printing the petition is granted. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. **355**. Theron C. Lynd, Circuit Clerk and Registrar of Voters of Forrest County, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. **364**. James R. Hoffa et al., petitioners, *v.* Honorable Joseph P. Lieb, United States District Judge for the Southern District of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. **60, Misc.** Frank Smoker, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. **91, Misc.** Edgar Labat, petitioner, *v.* Victor G. Walker, Warden. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 104, **Misc.** Donald Charles Rollins, petitioner, *v.* Walter Dunbar, Director, Department of Corrections, California, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 113, **Misc.** Ralph Rosania, petitioner, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 124, **Misc.** William J. Bowie, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 145, **Misc.** Louis Cuomo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 220, **Misc.** Anthony Perpiglia, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 252, **Misc.** James Jackson, petitioner, *v.* James F. Maroney, Superintendent et al., State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 277, **Misc.** Lawrence Burrow, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 281, **Misc.** Herman L. Taylor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 303, **Misc.** Ralph H. McCalip, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 305, **Misc.** John P. Mann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 316, **Misc.** Lee Edgar Sartain, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 318, **Misc.** Warren Albert Swanson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 323, **Misc.** Elmer Ransome Hughes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 330, **Misc.** John Threatt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 354, *Misc.* David Jackson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 377, *Misc.* Robert F. Cashion, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 392, *Misc.* Felix Marvin Jordan, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 399, *Misc.* Jasper C. Pressley, alias Harold T. Jones, petitioner, *v.* George England, Director of Motor Vehicles, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 402, *Misc.* David R. Tuthill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 426, *Misc.* Harry Joseph Payne, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 460, *Misc.* Sylvester Summers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 468, *Misc.* Ernest Cornes, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 471, *Misc.* Harold E. Chase, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 472, *Misc.* John J. Hayes, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 474, *Misc.* Hubert Richard Carr, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 477, *Misc.* John D. Giagnocavo, petitioner, *v.* American Can Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 478, *Misc.* Harry Levine, etc., petitioner, *v.* Radio Corporation of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 479, **Misc.** Fred Hunter, petitioner, *v.* Honorable William G. Juergens, Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 480, **Misc.** Joseph J. Carr, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 481, **Misc.** John Lloyd Jacobs, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 484, **Misc.** John Williams, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 489, **Misc.** Ernest Reed, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 490, **Misc.** William Foy Turpin, petitioner, *v.* Ohio. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 493, **Misc.** John Robert Duff, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 499, **Misc.** Edward Wimbush, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 500, **Misc.** Herbert B. Carmack, petitioner, *v.* Martin J. Wiman, Warden. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 517, **Misc.** Edward Barker, petitioner, *v.* Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 519, **Misc.** John McConnon, etc., et al., petitioners, *v.* Richard Raoul-Duval et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 521, **Misc.** Charles E. O'Connor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 524, **Misc.** Harold E. Davis, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 526, **Misc.** Richard Lee Snead, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 563, **Misc.** Maury Gluckstern, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 247, **Misc.** Lloyd Eldon Miller, Jr., petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 587, **Misc.** Harry D. Smith, petitioner, *v.* Felix Rodriguez. Motion for leave to file petition for writ of habeas corpus denied.

No. 533, **Misc.** William H. Jackson, petitioner, *v.* Warden, Maryland Penitentiary. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 552, **Misc.** Ellis Patterson, petitioner, *v.* E. L. Maxwell, Warden. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 475, **Misc.** Jackson Brewing Company, petitioner, *v.* The Honorable Ben C. Connally, Judge of the United States District Court for the Southern District of Texas. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 292. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v.* Overnite Transportation Company. Petition for rehearing denied.

No. 30, **Misc.** Lawson Edward Schaber, petitioner, *v.* Ohio; and

No. 73, **Misc.** Alpheus Holiday, petitioner, *v.* United States. Petitions for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of these applications.

ASSIGNMENT ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Claims beginning November 5, 1962, and ending June 30, 1963, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

ORAL ARGUMENT

No. 11. John Thomas Avent et al., petitioners, *v.* North Carolina. Argued by Mr. Jack Greenberg for the petitioners and by Mr. Ralph Moody for the respondent.

No. 26. William Griffin et al., petitioners, *v.* Maryland. Argued by Mr. Joseph L. Rauh, Jr., for the petitioners and by Mr. Robert C. Murphy for the respondent.

No. 58. Rudolph Lombard et al., petitioner, *v.* Louisiana. Argued by Mr. John P. Nelson, Jr., for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 6, 1962, will be as follows:
Nos. 58, 66, 67, 71, and 68.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Joseph B. McGinty, Sr., of Elberton, Ga., Gerald Peter Choppin, of Washington, D.C., Sidney G. Kingsley, of Washington, D.C., George E. Fedor, of Cleveland, Ohio, and James Zeno Barker, of Clinton, Okla., on motion of Mr. Solicitor General Archibald Cox; John J. D. Kookan, of Washington, D.C., on motion of Mr. Nathan J. Roberts; Richard Anthony Baenen, of Washington, D.C., on motion of Mr. John W. Cragun; David Kanner, of Philadelphia, Pa., on motion of Mr. Marion Edwyn Harrison; Donald Lee Hollowell, of Atlanta, Ga., on motion of Mr. Jack Greenberg; Owen J. Neighbours, of Indianapolis, Ind., on motion of Mr. Milo G. Coerper; Walter R. Brown, of St. Louis, Mo., Daniel LeRoy Monson, of Springfield, Va., John Lynn Davis, of Spokane, Wash., and Dennis Henry Pottratz, of Spokane, Wash., on motion of Mr. Paul O. Ritter; E. Clinton Bamberger, Jr., of Baltimore, Md., on motion of Mr. E. Riley Casey; David Morton Schwartz, of Washington, D.C., on motion of Mr. Henry J. Vinskey; Robert John Skahan, of Falls Church, Va., on motion of Mr. William B. Wright; and Robert E. Lusk, of Kansas City, Mo., and Gordon C. Smith, of Denver, Colo., on motion of Mr. Neil Brooks, were admitted to practice.

ORAL ARGUMENT

No. 58. Rudolph Lombard et al., petitioners, *v.* Louisiana. Argued by Mr. Jack P. F. Gremillion for the respondent and by Mr. John P. Nelson, Jr., for the petitioners. Memorandum for petitioners to come.

No. 66. James Gober et al., petitioners, *v.* City of Birmingham. Argued by Mrs. Constance B. Motley for the petitioners and by Mr. Watts E. Davis for the respondent.

No. 67. F. L. Shuttlesworth et al., petitioners, *v.* City of Birmingham. Argued by Mrs. Constance B. Motley for the petitioners and by Mr. Watts E. Davis for the respondent.

No. 71. James Richard Peterson et al., petitioners, *v.* City of Greenville. Argued by Mr. Matthew J. Perry for the petitioners and by Mr. Theodore A. Snyder, Jr., for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 7, 1962, will be as follows:
Nos. **71**, **68**, **87**, and **23** (and **47**).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Henry T. Chance, of Augusta, Ga., on motion of Mr. Harry S. Wender; Griffin Smith, of Little Rock, Ark., and Daggett H. Howard, of Washington, D.C., on motion of Mr. Malcolm Sparhawk Langford; Patrick H. Swearingen, Jr., of San Antonio, Tex., on motion of Mr. Albert F. Bietel; Robert H. Murray, of San Francisco, Calif., on motion of Mr. Robert E. Redding; David J. Danelski, of Seattle, Wash., on motion of Mr. Curtis T. Youngblood; and Edward J. Lesak, of Westchester, Ill., on motion of Mr. Charles W. Mander, were admitted to practice.

ORAL ARGUMENT

No. 71. James Richard Peterson et al., petitioners, *v.* City of Greenville. Argued by Mr. Theodore A. Snyder, Jr., for the respondent and by Mr. Matthew J. Perry for the petitioners.

No. 68. Nathaniel Wright et al., petitioners, *v.* Georgia. Argued by Mr. James M. Nabrit III for the petitioners and by Mr. Sylvan A. Garfunkel for the respondent.

No. 11. John Thomas Avent et al., petitioners, *v.* North Carolina;

No. 26. William L. Griffin et al., petitioners, *v.* Maryland;

No. 58. Rudolph Lombard et al., petitioners, *v.* Louisiana;

No. 66. James Gober et al., petitioners, *v.* City of Birmingham;

No. 67. F. L. Shuttlesworth et al., petitioners, *v.* City of Birmingham; and

No. 71. James Richard Peterson et al., petitioners, *v.* City of Greenville. Argued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave ~~of~~ Court, by Mr. Joseph S. Kaufman for the respondent in No. 26 and by Mr. J. M. Breckenridge for the respondent in Nos. 66 and 67.

No. 87. Local No. 438 Construction & General Laborers' Union, AFL-CIO, petitioner, *v.* S. J. Curry et al., etc. Argument commenced by Mr. John S. Patton for the petitioner and continued by Mr. Edwin Pearce for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 8, 1962, will be as follows:
Nos. 87, 23 (and 47), and 57.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Arthur Chew Meade, of Baltimore, Md., on motion of Mr. Laurence H. Axman; Anne Marie Olson Thompson, of Seattle, Wash., and Howard J. Thompson, of Seattle, Wash., on motion of Mr. Howard Irving Baynton; Joe R. Haynes, Jr., of Knoxville, Tenn., and William Robert Jarnagin, of Beverly Hills, Calif., on motion of Mr. Earl Kintner; Paul Larry Butt, of Albuquerque, N. Mex., on motion of Mr. Lawrence J. Simmons; Joseph Aronstein, of New York, N.Y., on motion of Mr. Irving Malchman; George D. Hillstrom, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; William E. Hegarty, of New York, N.Y., on motion of Mr. Donald J. Mulvihill; James Francis Volpert, of Peru, Ind., on motion of Mr. Kenneth McFarlane Smith; Charles Chase McCarter, of Wichita, Kans., on motion of Mr. Jerome Ackerman; and Robert Eugene Smith, of Randallstown, Md., on motion of Mr. Bernard Rowitz, were admitted to practice.

ORAL ARGUMENT

No. 87. Local No. 438 Construction & General Laborers' Union, AFL-CIO, petitioner, *v. S. J. Curry et al.*, etc. Argument continued by Mr. Edwin Pearce for the petitioner and concluded by Mr. Robert B. Langstaff for the respondents.

No. 23. Pan American World Airways, Inc., appellant, *v. United States*; and

No. 47. United States, appellant, *v. Pan American World Airways, Inc.*, et al. Argued by Mr. Solicitor General Cox for the appellee in No. 23 and for the appellant in No. 47, by Mr. David W. Peek for the appellant in No. 23 and the appellee in No. 47, Pan American World Airways, Inc., and by Mr. Lawrence J. McKay for the appellee in No. 47, W. R. Grace & Co.

Adjourned until Tuesday, November 13, 1962, at 10 o'clock.

The day call for Tuesday, November 13, 1962, will be as follows:
No. 8, **Original**.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Harold O. Pressman, of Los Angeles, Calif., on motion of Mr. Stanley Mosk; Theodor W. Rehmann, Jr., of Des Moines, Iowa, on motion of Mr. David Kammerman; Eugene Krasicky, of Hamtramck, Mich., on motion of Mr. Wilbur Sparks; David N. Bortin, of Concord, Calif., on motion of Mr. Lawrence Speiser; Roy H. Mann, of Corona, Calif., and Justin M. McCarthy, of Riverside, Calif., on motion of Mr. Northcutt Ely; Gordon Lee Llewellyn, Jr., of Dallas, Tex., on motion of Mr. Lewis Andrew Carroll; Marwin S. Cassel, of Miami, Fla., on motion of Mr. George J. Goldsbough, Jr.; Kenneth M. Schwartz, of Los Angeles, Calif., on motion of Mr. Timothy L. Bornstein; Andrew Jackson Lewis, Jr., of San Antonio, Tex., on motion of Mr. Andrew Jack Lewis; H. Rodger Howell, of Santa Ana, Calif., and William B. Harmon, of Santa Ana, Calif., on motion of Mr. Charles C. Cooper; James M. Nicholson, of Indianapolis, Ind., on motion of Mr. Milo G. Coerper; Fred Patterson Graham, of Nashville, Tenn., on motion of Mr. Horace L. Flurry; David I. Hoffman, of Chicago, Ill., on motion of Mr. Sol A. Hoffman; Larry C. Carl, of Detroit, Mich., on motion of Mr. William A. Alfs; Rudolf H. Michaels, of Sacramento, Calif., on motion of Mr. St. John Barrett; James M. Henderson, of Washington, D.C., on motion of Mr. Samuel H. Moerman; Charles E. Powers, of New York, N.Y., on motion of Mr. Charles C. Collins; Thomas Murray Knebel, of Washington, D.C., on motion of Mr. Bryce Rea, Jr.; and Louis Rosenfield, of Pittsburgh, Pa., and M. Barney Cohen, of Pittsburgh, Pa., on motion of Mr. Albert A. Fiod, were admitted to practice.

OPINION

No. 25. William Presser, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Goldberg took no part in the consideration or decision of this case.

The Chief Justice said :

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 375. *Ex parte* Sherman D. George, petitioner. On petition for writ of certiorari to the Supreme Court of Texas. Petition for certiorari granted. On writ, judgment vacated and case remanded to the Supreme Court of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 452. Vito F. Lanza et al., appellants, *v.* Robert F. Wagner, as Mayor of the City of New York, et al. Appeal from the Court of Appeals of New York. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 62. Northern Natural Gas Company, appellant, *v.* State Corporation Commission of the State of Kansas. The motion of the State of Texas for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 104. New Jersey et al., appellants, *v.* New York, Susquehanna and Western Railroad Company. The motion of the National Association of Railroad and Utilities Commissioners for leave to file brief, *amicus curiae*, is granted.

No. 140. Nathan Willner, petitioner, *v.* Committee on Character and Fitness, etc. The motion of the respondent to dismiss the writ of certiorari is denied.

No. 398. Tennessee, petitioner, *v.* Carl Myers et al. The motion of the Attorney General of Tennessee to dismiss the petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, is granted.

APPEAL—JURISDICTION NOTED

No. 392. Agnes K. Head, d/b/a Lea County Publishing Co., et al., appellants, *v.* New Mexico Board of Examiners in Optometry. Appeal from the Supreme Court of New Mexico. In this case probable jurisdiction is noted. In addition to the questions listed in the jurisdictional statement, the parties are requested to address themselves to the issue of possible federal preemption by reason of the Federal Communications Act. The Solicitor General is also invited to express the views of the Federal Communications Commission on this issue.

CERTIORARI GRANTED

No. 237, Misc. William Jackson, Jr., petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Claims granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 113. Charles Christopher Campbell et al., petitioners, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 334. Vito F. Lanza et al., petitioners, *v.* Robert F. Wagner, Mayor of the City of New York, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 377. Village of Brown Deer, petitioner, *v.* City of Milwaukee et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 378. Andrew V. Allison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 379. Raymond J. Hansen et al., petitioners, *v.* Stewart L. Udall, Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 384. A. Glendon Johnson, Administrator, C.T.A. Estate of A. Gales Johnson, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 385. Jay L. Dull, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 389. Agnes June Dillard, petitioner, *v.* Jackson's Atlanta Ready Mix Concrete Company, Inc. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 390. Willie Amos Wiggs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 391. United States, petitioner, *v.* Austin J. Tobin. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 393. Phoenix Assurance Company of New York, petitioner, *v.* City of Buckner, Missouri, et al. Motion of respondent, City of Buckner, to assess damages and petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 394. Commissioner of Internal Revenue, petitioner, *v.* Isabelle M. Kuntz, etc. The motion to dispense with printing the response to the petition for writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit is denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 395. Commissioner of Internal Revenue, petitioner, *v.* Estate of W. R. Olsen, Deceased, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 396. United States, petitioner, *v.* Genevieve E. Frankel, Individually and as Executrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 471. Mildred W. Smith, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 504. Roy I. Martin and Elizabeth E. Martin, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 400. Lawrence W. Goldberg, petitioner, *v.* United States ^{and} Atomic Energy Commission. The motion of Philadelphia Electric Company to be added as a party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 88, Misc. Homer D. Ellis, petitioner, *v.* Martin J. Wiman, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 503, Misc. Harold Collins, petitioner, *v.* Huntington Beach Union High School District. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

REHEARINGS DENIED

No. 505. October Term, 1960. Joseph Alex Cota, petitioner, *v.* California. Motion for leave to file petition for rehearing denied. The Chief Justice and Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 554. October Term, 1961. Lawrence Robinson, appellant, *v.* California. The motion of American Civil Liberties Union of Southern California for leave to file brief, as *amicus curiae*, is granted. Petition for rehearing denied.

Mr. Justice Clark, with whom Mr. Justice Harlan and Mr. Justice Stewart join, dissents:

On June 25, 1962, this Court reversed appellant's conviction of the offense of being "addicted to the use of narcotics," 370 U.S. 660. Thereafter the State of California filed an alternate petition for rehearing and for an abatement of the judgment, advising the Court for the first time that appellant had died on August 5, 1961, some 10 days prior to the filing here of his jurisdictional statement. Today the Court denies the petition and by its action the mandate, which has been stayed, will now go down. In my view this action by the Court is but a meaningless gesture utterly useless in the disposition of the case—the appellant being dead—and, as I read our cases, is contrary to the general policy this Court has always followed in the issuance of its mandates.

Under our decisions this appeal abated as moot upon the death of the appellant, *Menken v. Atlanta*, 131 U.S. 405 (1889), and the judgment should have been vacated and the case remanded to the state court for such proceedings as might be appropriate under state law. This is true even though the opinion and judgment of June 25 had been handed down prior to the notice of appellant's death. See *Stewart v. Southern R. Co.*, 315 U.S. 784 (1942), vacating the prior judgment in the same case, 315 U.S. 283. Moreover, there is no question of costs involved here as there was in *Wetzel v. Ohio*, No. 200, decided November 5, 1962. I would therefore grant the petition for rehearing and vacate the judgment as moot.

No. 270. Bank of America National Trust and Savings Association, etc., petitioner, *v.* United States. Petition for rehearing denied.

No. 100. Milton J. Harris, appelant, *v.* The Florida Real Estate Commission, etc., et al.;

No. 103. Myrph Johnson, petitioner, *v.* Texas;

No. 105. Dagmar Readey et al., appellants, *v.* St. Louis County Water Company et al.;

No. 149. James W. Harlow et al., petitioners, *v.* United States;

No. 154. Ralph Richardson, petitioner, *v.* C. C. Brunner et al.;

No. 156. Francis D. Houston, petitioner, *v.* United States;

No. 160. La Maur, Inc., petitioner, *v.* L. S. Donaldson Company et al.;

No. 301. George Weigel, petitioner, *v.* Partenweederei, MS Balgrano, et al.; and

No. 293, Misc. E. J. Biggs, petitioner, *v.* Acme Furnace Fitting Co., Bankrupt, et al. Petitions for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of these applications.

No. 267. Mid-America Telephone Company, petitioner, *v.* Public Utilities Commission of Ohio et al. The motion to dispense with printing the petition for rehearing is granted. Petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion and application.

RECESS ORDER

The Court will take a recess from Monday, November 19, 1962, until Monday, December 3, 1962.

ORAL ARGUMENT

No. 8, **Original**. State of Arizona, complainant, *v.* State of California et al. Six hours allowed for oral argument. Reargument commenced by Mr. Northcutt Ely for the defendant, State of California, and continued by Mr. Mark Wilmer for the complainant.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 14, 1962, will be as follows:
Nos. 8, **Original**, 41, 57, and 63.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Simpson F. Holstein, of San Jose, Calif., Ellis J. Horvitz, of Los Angeles, Calif., and Horace Preston Shelton, Jr., of San Antonio, Tex., on motion of Mr. Solicitor General Archibald Cox; Benjamin Edward Pickering, of Dallas, Tex., and Wilbur Neil Bump, of Des Moines, Iowa, on motion of Mr. William Ramsey Clark; Charles Edward Gibson, Jr., of St. Johnsbury, Vt., on motion of Mr. Thomas M. Debevoise; Walter R. Mansfield, of New York, N.Y., on motion of Mr. Edward R. Kenney; Kendell Wooldridge Wherry, of Indialantic, Fla., on motion of Mr. William E. Gwatkin III; Dale Fenter, of Douglas, Ariz., on motion of Mr. Marvin S. Cohen; Wm. Francis Marion, of Greenville, S.C., on motion of Mr. Orville Gilbert Calhoun, Jr.; Reinhold J. Fegers, of West Hollywood, Fla., on motion of Mr. J. William Norman; Carl Slater, of New Rochelle, N.Y., on motion of Mr. Burton R. Thorman; and William D. Decker, of Galveston, Tex., on motion of Mr. Cyril Francis Brickfield, were admitted to practice.

ORAL ARGUMENT

No. 8, Original. State of Arizona, complainant, *v.* State of California et al. Reargument continued by Mr. Mark Wilmer for the complainant, by Mr. Solicitor General Cox for the intervener, The United States, by Mr. R. P. Parry for the intervener, State of Nevada, and concluded by Mr. Northcutt Ely for the defendant, State of California.

No. 41. Lenore Foman, petitioner, *v.* Elvira A. Davis, Executrix. Argued by Mr. Milton Bordwin for the petitioner and by Mr. Roland E. Shaine for the respondent.

No. 57. Michael Cleary, petitioner, *v.* Edward Bolger. Argument commenced by Mr. Irving Malchman for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 15, 1962, will be as follows:
Nos. **57, 63, 56,** and **75.**

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Louis Russell Harding II, of El Paso, Tex., Norman B. Ackley, of Seattle, Wash., Walter Eugene Schutt, of Wilmington, Ohio, Martin Dropkin, of Somerville, Mass., George S. Goldstein, of Pittsburgh, Pa., Harry Markovitz, of Pittsburgh, Pa., Robert Scott Lindsay, of Pittsburgh, Pa., James P. Schellenger, of Philadelphia, Pa., Emerson Samuels, of Clairton, Pa., James F. C. Hyde, Jr., of Washington, D.C., Robert A. Roland, of Washington, D.C., Morton H. Wilner, of Washington, D.C., Dean Ezra Sharp, of Washington, D.C., Paulus Powell Browning, Jr., of Washington, D.C., Steven Arthur Winkelman, of Washington, D.C., Robert J. Shoup, of Cleveland, Ohio, Robert Duraine Godfrey, of Cleveland, Ohio, Milton T. Daus, of Cleveland, Ohio, Taylor Malone, Jr., of Memphis, Tenn., David Moses Green, of Brooklyn, N.Y., and Charles Lee Nutt, of Arlington, Va., on motion of Mr. Solicitor General Archibald Cox; A. Vernon Carnahan, of New York, N.Y., Samuel W. Murphy, Jr., of New York, N.Y., Richard Lane Bond, of New York, N.Y., and Edward Emerson Clark, of New York, N.Y., on motion of Mr. Edward R. Kenney; Alan B. Slayton, of Independence, Mo., William P. Piedimonte, of Independence, Mo., Jack C. Terry, of Independence, Mo., and Donald E. Benton, of Independence, Mo., on motion of Mr. Thomas Andrew Pace; Frank David Gorman, of New York, N.Y., on motion of Mr. Leonard J. Emmerglick; Alexander Wellford, of Richmond, Va., on motion of Mr. Robert Harvey Chappell, Jr.; Edgar Harrison Hughson, of Los Angeles, Calif., on motion of Mr. Samuel A. Cohen; Edward John Zamm, of Norwalk, Conn., on motion of Mr. Byron B. Gentry; Spencer Earl Harper, Jr., of Louisville, Ky., on motion of Mr. Samuel J. Rozel; William Glenn Sumners, Jr., of Denver, Colo., on motion of Mr. Warren G. Elliott; and Davis A. Gueymard, of Baton Rouge, La., Edward Clark Gaudin, of Baton Rouge, La., Burrell Johnston Carter, of Greensburg, La., James Kenneth Gardner, of San Antonio, Tex., Paul MacDonald Green, of San Antonio, Tex., Charles L. Smith, of San Antonio, Tex., Charles F. Sugerma, of San Antonio, Tex., Arthur Charles Troilo, Jr., of San Antonio, Tex., and Alfonso Chapa, of San Antonio, Tex., on motion of Mr. William E. O'Donovan, were admitted to practice.

ORAL ARGUMENT

No. 57. Michael Cleary, petitioner, *v.* Edward Bolger. Argument continued by Mr. Irving Malchman for the petitioner and concluded by Mr. Joseph Aronstein for the respondent.

No. 63. Barbara D. Ford, petitioner, *v.* Herman A. Ford. Argued by Mr. W. Francis Marion for the petitioner and by Mr. Wesley M. Walker for the respondent.

No. 56. Federal Trade Commission, petitioner, *v.* Sun Oil Company. Argued by Mr. Robert B. Hummel for the petitioner and by Mr. Leonard J. Emmerglick for the respondent.

No. 75. Madeline C. Schroeder, appellant, *v.* City of New York. Argued by Mr. Louis B. Scheinman for the appellant and by Mr. Theodore R. Lee for the appellee.

Adjourned until Monday, November 19, 1962, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

John Noel Frolich, of Los Angeles, Calif., Milan M. Dostal, of Hutchinson, Minn., Harry A. Blachman, of Cleveland, Ohio, and Alfred Del Carlo, of San Francisco, Calif., on motion of Mr. Solicitor General Archibald Cox; John C. Satterfield, of Yazoo City, Miss., on motion of Mr. Robert Ash; Arval A. Morris, of Seattle, Wash., on motion of Mr. John H. Pratt; Richard Warren Graham, of San Francisco, Calif., on motion of Mr. Leland O. Graham; Lucile Clagett, of Washington, D.C., Norman H. Bartow, of Washington, D.C., and H. Keith Eisaman, of Washington, D.C., on motion of Mr. Emmett Leo Sheehan; John S. Turnbull, of Los Angeles, Calif., on motion of Mr. William S. Tyson; John Lawrence Maduro, of St. Thomas, V.I., on motion of Mr. William Sellman; John Russell Herman, of Minneapolis, Minn., Douglas Leonard Williams, of Cleveland, Ohio, Richard Kammerer Jacoby, of Dayton, Ohio, Elvir Anthony Fay, of El Paso, Tex., Morris Paul Tenner, of New York, N.Y., and Bruce W. McKee, of Des Moines, Iowa, on motion of Mr. Walter I. Horlick; Philip G. Fitz, of New York, N.Y., and Nicholas Ujlaki, of New York, N.Y., on motion of Mr. William V. Homans; Thomas Joseph McGrimley, of Boston, Mass., on motion of Mr. Lambert McAllister; Norman A. Zilber, of San Francisco, Calif., on motion of Mr. Charles Kent; Harris James George, of Towson, Md., on motion of Mr. L. Robert Evans; Martin R. Bradley, Jr., of Buffalo, N.Y., on motion of Mr. Plato Ernest Papps; Lawrence E. Laubscher, of Washington, D.C., on motion of Mr. Robert B. Harmon; and Leo P. Amirault, Jr., of Euclid, Ohio, William Richard O'Malley, of Euclid, Ohio, Donald Dale Smith, of Euclid, Ohio, Robert Michael Debevec, of Euclid, Ohio, Charles Daniel McBride, of Euclid, Ohio, Frank Louis Cavano, Jr., of Euclid, Ohio, Robert Frederick Niccum, of Euclid, Ohio, Paul Joseph Hribar, of Euclid, Ohio, Daniel Richard Corcoran, of Euclid, Ohio, Miriam J. Fingerhut, of Euclid, Ohio, Ellen Cecilia Campbell, of Euclid, Ohio, James Edward Campbell, of Euclid, Ohio, David A. Christopher, of Euclid, Ohio, J. J. Conway, of Cleveland, Ohio, John Thomas Connick, of Cleveland, Ohio, John Patrick Coyne, of Cleveland, Ohio, Joseph F. Ciaston, of Parma, Ohio, Harold

Eugene Frye, of Willoughby Hills, Ohio, and John A. Dellon, of Willowick, Ohio, on motion of Mr. William T. Monroe, were admitted to practice.

OPINIONS

No. 38. Los Angeles Meat and Provision Drivers Union, Local 626, et al., appellants, *v.* United States. Appeal from the United States District Court for the Southern District of California. Judgment affirmed. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Goldberg with whom Mr. Justice Brennan joins. Dissenting opinion by Mr. Justice Douglas.

No. 37. Hewitt-Robins Incorporated, petitioner, *v.* Eastern Freight-Ways, Inc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart and Mr. Justice White join.

No. 69. United States, appellant, *v.* Ralph L. Sampson et al. Appeal from the United States District Court for the Northern District of Georgia. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 445, Misc. Miles La Rose, appellant, *v.* Ralph Tahash, Warden. Appeal from the Supreme Court of Minnesota. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 507, Msc. William Vitoratos, appellant, *v.* Lawrence J. Walsh, Clerk, Municipal Court of Akron. Appeal from the Supreme Court of Ohio. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 119. William J. Murray, III, etc., et al., petitioners, *v.* John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City; and

No. 142. School District of Abington Township, Pennsylvania, et al., appellants, v. Edward Lewis Schempp et al. The motion of The American Jewish Committee et al. for leave to file brief, as *amici curiae*, is granted.

No. 403. Banco Nacional de Cuba, petitioner, v. Peter L. F. Sabatino, etc., et al. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI GRANTED

No. 404. National Labor Relations Board, petitioner, v. General Motors Corporation. The motion of American Federation of Labor and Congress of Industrial Organizations for leave to file brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case transferred to the summary calendar.

No. 368. Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, v. Alberta Schermerhorn et al. Petition for writ of certiorari to the Supreme Court of Florida is granted. Case transferred to the summary calendar and set for argument immediately following No. 404.

No. 405. United States, petitioner, v. Pioneer American Insurance Company et al. Petition for writ of certiorari to the Supreme Court of Arkansas granted and case transferred to the summary calendar.

No. 414. Michael Shenker, petitioner, v. The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case transferred to the summary calendar.

No. 424. I. A. Watson, Jr., et al., petitioners, v. City of Memphis et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case transferred to the summary calendar.

No. 419. Local Lodge No. 1836 of District 38 of the International Association of Machinists, AFL-CIO, et al., petitioners, v. Local No. 1505 International Brotherhood of Electrical Workers, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case transferred to the summary calendar. The Solicitor General is invited to file a brief setting forth the views of the United States.

No. 211, Misc. Robert Galloway White, petitioner, v. Maryland. Motion for leave to proceed *in forma pauperis* granted and petition for writ of certiorari to the Court of Appeals of Maryland granted limited to the point of law raised in *Hamilton v. Alabama*, 368 U.S. 52. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 124. Atlas Scraper and Engineering Co., petitioner, *v.* Harry A. Pursche. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 144. William L. Head et al., petitioners, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 388. The Erie Stone Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 402. Solo Products Corporation, petitioner, *v.* Feathercombs, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 406. Bolling R. Powell, Jr., petitioner, *v.* John W. Maher, Trustee, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 416. In the Matter of the Application of Andrew Alford, petitioner. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 417. Howard G. Pinder, Sr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 418. Nichols & Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 420. Fred A. Ghioto et al., petitioners, *v.* Frank Hampton et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 421. Goya Foods, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 423. John D. Glynn, petitioner, *v.* Marjorie Doctorman Dubin et al. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 486. Vulcan Materials Company, petitioner, *v.* Ernest J. Sauber, District Director of Internal Revenue, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh District denied.

No. 409. Marie G. Waksmundzka, petitioner, *v.* Z. A. Terry et al. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 411. James S. O'Connell et al., petitioners, *v.* United States; and

No. 412. Charles H. Lawton, Jr., petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice White took no part in the consideration or decision of these petitions.

No. 422. City of Kansas City, Missouri, petitioner, *v.* Federal Pacific Electric Company et al. Motion of petitioner for leave to amend petition for certiorari granted. Motion of Westinghouse Electric Corporation et al. for leave to file brief, as *amici curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 35, Misc. Raymond George Reade, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 89, Misc. Oliver Lee Ratten, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 101, Misc. Arthur N. Belanger, petitioner, *v.* Warden, Connecticut State Prison. Petition for writ of certiorari to the Superior Court of Connecticut, Hartford County, denied.

No. 102, Misc. Leo F. McCann, petitioner, *v.* Warden, Connecticut State Prison. Petition for writ of certiorari to the Superior Court of Connecticut, Hartford County, denied.

No. 103, Misc. James Bruce Drake, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 185, Misc. Frank Price, petitioner, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 186, Misc. Samuel E. Merwin, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 195, Misc. Wiley B. Morris, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 239, Misc. Ellsworth Roberts, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 249, Misc. Leonard Dolatowski, petitioner, *v.* Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 320, Misc. Woodruff Pellon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 351, **Misc.** Salvatore J. Indiviglio, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 367, **Misc.** Bernard R. Barkan, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 383, **Misc.** Arthur Handley, petitioner, *v.* Robert Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 487, **Misc.** George Edward Riddle, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 496, **Misc.** Walter Anderson, petitioner, *v.* Richard Chappell et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 498, **Misc.** Hurlin Delpit, petitioner, *v.* Nocuba Shipping Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 502, **Misc.** Daveylee Larson, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 504, **Misc.** Theodore C. Ruark, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 505, **Misc.** Kenneth James, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 515, **Misc.** Marcus Goodwin, petitioner, *v.* Missouri et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 518, **Misc.** Raymond Jamison, petitioner, *v.* Thomas D. O'Brien, Superintendent of Paroles, et al. Petition for writ of certiorari to the Circuit Court of Henry County, Illinois, denied.

No. 520, **Misc.** Ralph V. Bentz, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 523, **Misc.** Frank D. Shimko, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 535, **Misc.** John Wesley Elliott, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Baltimore City Court, Maryland, denied.

No. 543, Misc. Ike Brown, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 550, Misc. Fred Arispe Cruz, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 559, Misc. Edward Gobie, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 597, Misc. Milton Jackson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 229, Misc. Gus Polites, petitioner, *v.* Walter A. Sahli, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 458, Misc. Silas J. Wallace, Jr., petitioner, *v.* District of Columbia Parole Board et al. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the District of Columbia Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 608, Misc. Morris Thomas, petitioner, *v.* D. M. Heritage, Warden; and

No. 627, Misc. Robert E. Lee, petitioner, *v.* D. M. Heritage, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 337, Misc. Donald D. Foran, petitioner, *v.* E. L. Maxwell, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

REHEARINGS DENIED

No. 138. Helen Russell Pierce, etc., petitioner, *v.* Allen B. DuMont Laboratories, Inc.;

No. 169. Luther Robinson Maddox, petitioner, *v.* Fidelity Investment & Title Co., Inc., et al.;

No. 204. William Henry Hackett, petitioner, *v.* United States;

No. 216. Real Estate Corporation, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 268. Luther Robinson Maddox, petitioner, *v.* Raymond O. Shroyer et al.;

No. 279. Edward W. Anspach et al., petitioners, *v.* United States;

No. 79, Misc. Sally T. Hucks, petitioner, *v.* United States;

No. 142, Misc. Frank Puddu, petitioner, *v.* Royal Netherlands Steamship Company;

No. 158, Misc. Robert D. Perry, petitioner, *v.* Ohio; and

No. 259, Misc. Francis Marion Black, petitioner, *v.* H. E. Moore, Warden. Petitions for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of these applications.



Adjourned until Monday, December 3, 1962, at 10 o'clock.

The day call for Monday, December 3, 1962, will be as follows:

Nos. 24, 77, 88, 96, and 118.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 765, Misc. Patrick Mahon McGee, petitioner, *v.* Frank Eyman, Superintendent, Arizona State Prison. Motion for leave to file petition for writ of certiorari denied.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Lyman Bennion Powell, of Salt Lake City, Utah, and Ernest L. Simons, of Los Angeles, Calif., on motion of Mr. Solicitor General Archibald Cox; Norbert A. Schlei, of Los Angeles, Calif., on motion of Mr. Stephen J. Pollak; Brian J. Newman-Crawford, of Alliance, Ohio, on motion of Mr. Robert Davis Powers, Jr.; Dan Flynn, of Martin, S. Dak., on motion of Mr. Paul Harkey; Samuel H. Borenkind, of New York, N.Y., on motion of Mr. Robert M. Scott; Joaquin Campoy, of New Orleans, La., on motion of Mr. Edward C. Fritz; Paul L. Klein, of New York, N.Y., on motion of Mr. Robert F. Guthrie; George H. Reges, of Washington, D.C., and John T. Reges, of Washington, D.C., on motion of Mr. Jackson Brodsky; Robert L. Day, of Chicago, Ill., Jack Waaler, of Chicago, Ill., Richard G. Wittry, of Aurora, Ill., Carl Francis Wrench, of Monticello, Ill., and Jerome Nelson, of Newton, Mass., on motion of Mr. Carl G. Moore; Robert J. Kauffman, of Milwaukee, Wis., on motion of Mr. Edward J. Boulos; Mark L. Conroy, of Santa Monica, Calif., and Michael M. Dowling, of Los Angeles, Calif., on motion of Mr. David L. Krooth; Courtney Shands, Jr., of St. Louis, Mo., on motion of Mr. W. Crosby Roper, Jr.; Jacob F. Raskin, of New York, N.Y., and Milton Stanzler, of Providence, R.I., on motion of Mr. Horace S. Manges; Robert M. Furniss, Jr., of Norfolk, Va., Harry N. Gustin, of Norfolk, Va., and William M. Harris, of Norfolk, Va., on motion of Mr. Jay M. Ball; Samuel L. Davidson, of Washington, D.C., on motion of Mr. Max C. Louis; and Robert B. Jacobi, of Washington, D.C., on motion of Mr. Herbert J. Jacobi, were admitted to practice.

OPINIONS

No. 41. Lenore Foman, petitioner, *v.* Elvira A. Davis, Executrix. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings consistent with the opinion of this

Court. Opinion by Mr. Justice Goldberg. Separate memorandum by Mr. Justice Harlan with whom Mr. Justice White joins.

No. 27. Burlington Truck Lines, Inc., et al., appellants, *v.* United States et al.; and

No. 28. General Drivers and Helpers Union, Local 554, etc., appellant, *v.* United States et al. Appeals from the United States District Court for the Southern District of Illinois. Judgment reversed and cases remanded to that court with instructions to enter an order enjoining, annulling, and setting aside the order of the Interstate Commerce Commission, and remanding the case to the Commission for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan join. Opinion by Mr. Justice Clark concurring in the result. Opinion by Mr. Justice Black concurring in part and dissenting in part.

No. 48. Federal Power Commission, petitioner, *v.* Tennessee Gas Transmission Company et al; and

No. 50. City of Pittsburgh, Pennsylvania, petitioner, *v.* Tennessee Gas Transmission Company et al. On writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed insofar as it set aside the interim order of the Federal Power Commission; otherwise it is affirmed, and the cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark.

No. 78. Chester A. Pearlman, Trustee, petitioner, *v.* Reliance Insurance Company. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Black. Opinion by Mr. Justice Clark with whom Mr. Justice Douglas and Mr. Justice Brennan join, concurring in the result. Mr. Justice White dissents.

No. 40. Gilbertville Trucking Co., Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Massachusetts. Judgment reversed in part and case remanded to that court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

The Chief Justice said:

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 222. Pensick & Gordon, Inc., petitioner, *v.* California Motor Express et al. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for certiorari granted. On writ, judgment vacated and case remanded to the United States District Court for the Southern District of California for further consideration in light of *Hewitt-Robins, Inc., v. Eastern Freight-Ways, Inc., No. 37, October Term, 1962*, decided November 19, 1962. Opinion *per curiam*. Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White would affirm the judgment below for the reasons given in the dissenting opinion in No. 37.

No. 426. Davis Lee, appellant, *v.* W. I. Peek et al. Appeal from the Supreme Court of South Carolina. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 442. Roscoe C. Buckles et al., appellants, *v.* The Peoples Gas Light and Coke Company. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 470. Stonybrook, Inc., appellant, *v.* Connecticut. Appeal from the Supreme Court of Errors of Connecticut. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 473. Harry K. Ahoyian et al., appellants, *v.* Massachusetts Turnpike Authority et al. Appeal from the United States District Court for the District of Massachusetts. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 452, Misc. George Napier, Sr., appellant, *v.* United States et al. Appeal from the United States Court of Appeals for the Third Circuit. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 23, Misc. October Term, 1959. In the Matter of Disbarment of Harry J. Alker, Jr. The petition to vacate order of disbarment and reinstate order of suspension, pending action of the United States Court of Appeals for the Third Circuit, is denied. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 598, Misc. In the Matter of the Disbarment of John H. Gately:

It having been reported to the Court that John H. Gately, of Colorado Springs, State of Colorado, has been disbarred from the practice of law in all the courts of the State of Colorado by judgment of the Supreme Court of the State of Colorado, duly entered on the 24th day of July, A.D. 1961, and this Court by order of October 15, 1962, having suspended the said John H. Gately from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid;

It is ordered that the said John H. Gately be, and he is hereby disbarred, and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

APPEAL—JURISDICTION NOTED

No. 438. United States, appellant, *v.* The Singer Manufacturing Company. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted.

CERTIORARI GRANTED

No. 401. United States for the Use of H. W. Moseley, d/b/a Moseley Plumbing and Heating Company, petitioner, *v.* Electronic & Missile Facilities, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 464. United States, petitioner, *v.* Carlos Muniz and Henry Winston. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 105, Misc. Wilbert Rideau, petitioner, *v.* Louisiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Louisiana granted. Case transferred to the appellate docket.

No. 296, Misc. Alvin R. Campbell et al., petitioners, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 383. Edward Carmine Coppolla et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 413. United States for the Use and Benefit of Miles Lumber Company et al., petitioners, *v.* Harrison and Grimshaw Construction Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 427. Louis Vanacek, petitioner, *v.* St. Louis Public Service Company. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 428. Jack Christian, etc., et al., petitioners, *v.* Theodore J. Jemison et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 431. Arvil R. Hardcastle et al., petitioners, *v.* Western Greyhound Lines, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 432. Lacy Mathew Thompson, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 433. City Transportation Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 434. Constantinos Roumeliotis et al., petitioners, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 436. Strachan Shipping Company, petitioner, *v.* Koninklyke Nederlandsche Stoomboot Maalschappy, N. V., etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 439. W. A. Belcher et al., petitioners, *v.* George D. Patterson, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 440. Jiffy Enterprises, Inc., petitioner, *v.* Sears Roebuck & Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 441. Robert Frederick Huff et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 443. Rufus F. and Marguerite H. Turner, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 444. United States for the Use and Benefit of the Robertson Lumber Company, petitioner, *v.* Continental Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 446. Joseph Castelli, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 447. Valley Morris Plan, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 448. Herman Kravitz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 450. Leopold W. Mahler et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 453. In re Harry J. Alker, Jr., petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 454. Socony Mobil Oil Company, Inc., et al., petitioners, *v.* Wall Street Traders, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 455. Faye Lyons, petitioner, *v.* Elsinore C. Machris Gilliland, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 457. California Dump Truck Owners Association et al., petitioners, *v.* Heavy, Highway, Building and Construction Teamsters Committee for Northern California et al. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 459. Ralph O. Brownfield, petitioner, *v.* Truman H. Landon. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 461. Hooper Enloe Denton et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 462. Alabama Power Company et al., petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 465. Priscilla Alden Beach, etc., petitioner, *v.* Oneida National Bank and Trust Company of Central New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 466. Daniels & Kennedy, Inc., petitioner, *v.* A/S Inger and Illinois Atlantic Corp. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 468. John A. Peke, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 469. United States for the Use and Benefit of Henry J. Larkin, etc., petitioner, *v.* Platt Contracting Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 534. The Morris Plan Company of California, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 538. Anthony Campisi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 467. James Alvado et al., petitioners, *v.* General Motors Corporation. Motion to defer consideration of the petition for certiorari and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion and petition.

No. 62, **Misc.** Harold Lieberman, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 274, **Misc.** Salvatore Oddo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 312, **Misc.** Douglas Ray Fletcher, petitioner, *v.* Dr. George J. Beto, Director, Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 322, **Misc.** John Bram, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 326, **Misc.** Joseph L. DeLeVay, petitioner, *v.* National Savings and Trust Co. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 343, **Misc.** Ples Elworth Russell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 389, **Misc.** Anthony Mirra, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 394, **Misc.** Thomas A. Owens, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 403, **Misc.** Harold Lieberman, petitioner, *v.* Columbus Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 430, **Misc.** Johnnie Clifford McDowell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 435, **Misc.** William E. Ross, petitioner, *v.* John T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 463, **Misc.** Estanislao Cruz, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 497, **Misc.** Archie Louis Glover, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 501, **Misc.** John Albert Hatschner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 508, **Misc.** Phillip Shorey, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 536, **Misc.** Thomas C. Hudgens, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 541, **Misc.** Robert E. Lipscomb, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 544, **Misc.** John Fink Mounts, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 545, **Misc.** William C. O'Brien, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 547, **Misc.** Alfred W. Kohlfuss, petitioner, *v.* Warden, Connecticut State Prison. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 551, **Misc.** Willie George Boynton, Jr., petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 558, **Misc.** Ernest P. Maldonado, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 560, **Misc.** Freedom Archey, petitioner, *v.* Nederlandsch-Amerikaansche Stoomvaart Maatschappij, etc. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Sixth Supreme Judicial District, denied.

No. 561, **Misc.** Frank Julio Sanford, petitioner, *v.* Superior Court of Los Angeles County. Petition for writ of certiorari to the Supreme Court of California denied.

No. 562, **Misc.** Robert Anderson et al., petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 568, **Misc.** Edgar Eugene Barnhill, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 570, **Misc.** Martin X. Sostre, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 576, **Misc.** Isidore Kaganovitch, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 577, **Misc.** Albert J. Kostal et al., petitioners, *v.* Stephen Mc-Nichols et al. Petition for writ of certiorari to the United States District Court for the District of Colorado denied.

No. 578, **Misc.** Stanley Eugene Tranowski, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 580, **Misc.** Fred Bates, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 582, **Misc.** Robert V. Bogan, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 584, **Misc.** Winfield I. Nicholson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 585, **Misc.** Harold Lucky, petitioner, *v.* Sam A. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 592, **Misc.** Eddie Lee White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 595, **Misc.** Johnny Harper, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 612, **Misc.** H. Glyn Sees, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 629, **Misc.** Thomas C. Cooper, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 222, **Misc.** Alfredo Delgado Arellanes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 619, **Misc.** Ex parte Malcolm R. Schlette, petitioner;

No. 630, **Misc.** Robert D. Perry, petitioner, *v.* E. L. Maxwell, Warden; and

No. 658, **Misc.** Kenneth Clark Verschoor, petitioner, *v.* California. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS OR PROHIBITION DENIED

No. 654, **Misc.** James Wilson, petitioner, *v.* Honorable Thomas J. MacBride, Judge of the Federal District Court, Sacramento, California. Motion for leave to file petition for writ of prohibition denied.

No. 571, **Misc.** Davis Lee, petitioner, *v.* Judge J. B. Pruitt, Court of Common Pleas, Anderson, South Carolina. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 256. In the Matter of the Estate of Annie E. Hurst, Deceased;

No. 317. Hardware Mutual Casualty Company, petitioner, *v.* Adam McIntyre;

No. 318. United States Fidelity & Guaranty Company, petitioner, *v.* Horace Hart; and

No. 319. Standard Accident Insurance Company, petitioner, *v.* Marcos V. Aguirre, Jr.;

No. 110, **Misc.** Donald David Jones, petitioner, *v.* United States; and

No. 327, Misc. Manuel Joe Chavez and Clyde Bates, petitioners, *v.* Fred R. Dickson, Warden. Petitions for rehearing denied.

ORAL ARGUMENT

No. 24. Halliburton Oil Well Cementing Company, appellant, *v.* James S. Reily, Collector of Revenue, State of Louisiana. Reargued by Mr. Benjamin B. Taylor, Jr., for the appellant and by Mr. Chapman L. Sanford for the appellee.

No. 77. John R. Jones, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. Argued by Mr. Daniel J. Meador for the petitioner and by Mr. Reno S. Harp III, for the respondent.

No. 88. National Labor Relations Board, petitioner, *v.* Reliance Fuel Oil Corporation. Argued by Mr. Louis F. Claiborne for the petitioner and by Mr. S. H. Borenkind for the respondent.

No. 96. United States, petitioner, *v.* Buffalo Savings Bank. Argued by Mr. John B. Jones for the petitioner and by Mr. John H. Little for the respondent.

No. 118. Bantam Books, Inc., et al., appellants, *v.* Joseph A. Sullivan et al. Argument commenced by Mr. Horace S. Manges for the appellants.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 4, 1962, will be as follows: Nos. 118, 2, 3, and 18.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Omer Albert Sutherland, of Woonsocket, R.I., on motion of Mr. John Joseph Nugent; Jacques Herts Geisenberger, Jr., of Lancaster, Pa., and Clarence C. Newcomer, of Lancaster, Pa., on motion of Mr. William E. Schuyler, Jr.; and George S. Parish, of Washington, D.C., on motion of Mr. Francis W. Stover, were admitted to practice.

ORAL ARGUMENT

No. 118. Bantam Books, Inc., et al., appellants, *v.* Joseph A. Sullivan et al. Argument continued by Mr. Horace S. Manges for the appellants and concluded by Mr. J. Joseph Nugent for the appellees.

No. 2. Robert F. Kennedy, Attorney General of the United States, appellant, *v.* Francisco Mendoza-Martinez. Reargued by Mr. Bruce J. Terris for the appellant and by Mr. Thomas R. Davis for the appellee.

No. 3. Dean Rusk, Secretary of State, appellant, *v.* Joseph Henry Cort. One and one-half hours allowed for oral argument. Reargument commenced by Mr. J. William Doolittle for the appellant and continued by Mr. Leonard B. Boudin for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 5, 1962, will be as follows: Nos. 3, 18, 14 (and 15), 21, and 22.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Marcus D. Gleisser, of Cleveland, Ohio, on motion of Mr. Daniel M. Friedman; William Hillyer, of San Diego, Calif., on motion of Mr. James Elden McFarland; Homer Mark Jensen, of Salt Lake City, Utah, on motion of Mr. Claron Chipman Spencer; Jacob Fox, of Newark, N.J., on motion of Mr. John J. Donnelly; Harvey Lee Schlieman, of Missoula, Mont., on motion of Mr. Alexander M. Heron; Stephen A. Bromberg, of Detroit, Mich., on motion of Mr. Donald M. Baker; and Lee Rittenberg Leonard, of New Orleans, La., and Will Ernest Leonard, Jr., of New Orleans, La., on motion of Mr. Maurice P. Pujal, were admitted to practice.

ORAL ARGUMENT

No. 3. Dean Rusk, Secretary of State, appellant, *v.* Joseph Henry Cort. Reargument continued by Mr. Leonard B. Boudin for the appellee and concluded by Mr. J. William Doolittle for the appellant.

No. 18. United States, appellant, *v.* National Dairy Products Corp. et al. Reargued by Mr. Daniel M. Friedman for the appellant and by Mr. John T. Chadwell for the appellees.

No. 14. Mercantile National Bank at Dallas, appellant, *v.* C. H. Langdeau, Receiver; and

No. 15. Republic National Bank of Dallas, appellant, *v.* C. H. Langdeau, Receiver. Reargued by Mr. Hubert D. Johnson and Mr. Marvin S. Sloman for the appellants and by Mr. William E. Cureton and Mr. Quentin Keith for the appellee. Memoranda to come.

No. 21. United States, petitioner, *v.* Don Gilmore et al. Reargument commenced by Mr. Wayne G. Barnett for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 6, 1962, will be as follows:
Nos. 21, 22, 35, and 76.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Jane Young, of Los Angeles, Calif., Walter H. Young, of Los Angeles, Calif., and Julian S. Gould, of Los Angeles, Calif., on motion of Mr. Wayne Goodwin Barnett; John "Pete" Self, of Hamilton, Ala., on motion of Mr. Kelley Edward Griffith; Tom I. McFarling, of Austin, Tex., on motion of Mr. Arthur C. Perry; Wilmer Brady Hunt, of Houston, Tex., on motion of Mr. William A. Bailey; William Laurence Craig, of Washington, D.C., on motion of Mr. Howard C. Westwood; Alexander H. Hadden, of Cleveland, Ohio, Russell E. Leasure, of Cleveland, Ohio, and Richard Burns Allen, of Baltimore, Md., on motion of Mr. I. Martin Leavitt; and Paul F. Bonnell, of Seattle, Wash., on motion of Mr. Michael J. Cafferty, were admitted to practice.

ORAL ARGUMENT

No. 21. United States, petitioner, *v.* Don Gilmore et al. Reargument continued by Mr. Wayne G. Barnett for the petitioner and concluded by Mr. Eli Freed for the respondents.

No. 22. United States, petitioner, *v.* Talbot Patrick et al. Reargued by Mr. Wayne G. Barnett for the petitioner and by Mr. Robert M. Ward for the respondents.

No. 35. Edward Yellin, petitioner, *v.* United States. Reargued by Mr. Victor Rabinowitz for the petitioner and by Mr. Solicitor General Cox for the respondent.

Adjourned until Monday, December 10, 1962, at 10 o'clock.

The day call for Monday, December 10, 1962, will be as follows:
Nos. 76, 80, 52, and 53.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Philip F. Zeidman, of Birmingham, Ala., Phillip Joseph Roth, of Portland, Oreg., Lowell Caples Paget, of Portland, Oreg., and Teno Roncalio, of Cheyenne, Wyo., on motion of Mr. Solicitor General Archibald Cox; Bonnie Lee Martin, of Los Angeles, Calif., and Arthur L. Martin, of Los Angeles, Calif., on motion of Mr. Benjamin V. Cohen; Francis James Maloney, Jr., of Austin, Tex., on motion of Mr. Arthur C. Perry; Norman August Peil, Jr., of Easton, Pa., on motion of Mr. Thomas B. Van Poole, Jr.; Gordon Ringer, of Los Angeles, Calif., on motion of Mr. William E. James; Ramon M. Child, of Salt Lake City, Utah, on motion of Mr. Robert W. Barker; Solomon I. Hirsh, of Arlington, Va., on motion of Mr. Norton J. Come; Hobert Price, Jr., of Dallas, Tex., on motion of Mr. Robert E. May; Irving Libenson, of Mount Vernon, N.Y., on motion of Mr. Abraham Braslow; and Robert L. Miles, of Big Rapids, Mich., on motion of Mr. Arthur A. Steffan, were admitted to practice.

OPINIONS

No. 13. Doyle Smith, petitioner, *v.* Evening News Association. On writ of certiorari to the Supreme Court of Michigan. Judgment reversed and case remanded to the Supreme Court of Michigan for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Black.

No. 63. Barbara D. Ford, petitioner, *v.* Herman A. Ford. On writ of certiorari to the Supreme Court of South Carolina. Judgment reversed and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 437. Edward Stock, appellant, *v.* Christopher F. Terrence, M.D., Director, Rochester State Hospital. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 474. Johnny G. Spahos et al., appellants, *v.* The Mayor and Councilmen of the Town of Savannah Beach, Tybee Island, Georgia, et al. Appeal from the United States District Court for the Southern District of Georgia. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 487. Lever Brothers Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of Ohio. The motions to dismiss are granted and the appeal is dismissed. Opinion *per curiam*. Mr. Justice Stewart took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

No. 62. Northern Natural Gas Company, appellant, *v.* State Corporation Commission of the State of Kansas. The motion of The Mid-Continent Oil & Gas Association for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice White took no part in the consideration or decision of this motion.

No. 91. Ivan C. McLeod, Regional Director for the Second Region of the National Labor Relations Board, petitioner, *v.* Empresa Hondurena de Vapores, S.A.;

No. 93. National Maritime Union of America, AFL-CIO, petitioner, *v.* Empresa Hondurena de Vapores, S.A.; and

No. 107. Frank W. McCulloch, Chairman, and Philip Ray Rodgers, et al., Members, National Labor Relations Board, petitioners, *v.* Sociedad Nacional de Marineros de Honduras et al. The motion of Canada for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 363. Paul Ginsburg, petitioner, *v.* Hon. Dave W. Ling, Judge of the United States District Court for the District of Arizona. The motion of petitioner to remand is denied.

CERTIORARI GRANTED

No. 480. Louis McNeese, Jr., a Minor, by Mabel McNeese, His Mother and Next Friend, et al., petitioners, *v.* Board of Education for Community Unit School District 187, Cahokia, Illinois, et al. Pe-

tion for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 463. Thomas I. Fitzgerald, Public Administrator of the County of New York, etc., petitioner, *v.* United States Lines Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to the following question:

Does a seaman have a right to a jury trial on a claim for unpaid maintenance and cure when joined with a claim for Jones Act negligence?

The case is placed on the summary calendar.

No. 476. Benjamin Braunstein et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to the following question:

"1. Whether Section 117(m) of the Internal Revenue Code of 1939, which provides that gain 'from the sale or exchange * * * of stock of a collapsible corporation' is taxable as ordinary income rather than capital gain, is inapplicable in circumstances where the stockholders would have been entitled to capital-gains treatment had they conducted the enterprise in their individual capacities without utilizing a corporation."

The case is placed on the summary calendar.

CERTIORARI DENIED

No. 458. Martin J. Wiman, Warden, Kilby Prison, et al., petitioners, *v.* Jimmy Argo. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 475. Tom Samuels, Trustee of Future Manufacturing Cooperative, Inc., petitioner, *v.* Kockos Brothers, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 477. City of Philadelphia, petitioner, *v.* Ralph Cohen. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 478. William G. Stratton et al., petitioners, *v.* Lar Daly. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 481. International Union of Electrical, Radio and Machine Workers, AFL-CIO, Frigidaire Local 801, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 484. Joseph Gallo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 495. International Association of Machinists, AFL-CIO et al., petitioners, *v.* Central Airlines, Inc. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Second Supreme Judicial District, denied.

No. 497. William Malat et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 498. Adelheit von Hardenberg et al., petitioners, *v.* Robert F. Kennedy, Attorney General of the United States. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 501. High Fidelity Recordings, Inc., petitioner, *v.* Audio Fidelity, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 488. Gunderson Bros. Engineering Corporation, petitioner, *v.* Merritt-Chapman and Scott Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. The Chief Justice and Mr. Justice Black believe that certiorari should be granted to consider whether the petitioner Gunderson Brothers Engineering Corporation has been denied its right to jury trial guaranteed by the Seventh Amendment to the Constitution of the United States.

No. 496. 222 East Chestnut Street Corporation et al., petitioners, *v.* Aaron B. Weiner et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 476, Misc. Ora E. Gaines, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 556, Misc. Antoine Rinieri, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 590, Misc. Lemuel Mont, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 659, Misc. Dewey Allison, petitioner, *v.* Martin J. Wiman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 565, Misc. Lever Brothers Co., petitioner, *v.* United States et al. Motion for leave to file petition for writ of certiorari denied.

Mr. Justice Stewart took no part in the consideration or decision of this application.

REHEARINGS DENIED

No. 410. Jackson Brewing Company, petitioner, *v.* Jack D. Clarke, Jr.;

No. 475, Misc. Jackson Brewing Company, petitioner, *v.* The Honorable Ben C. Connally, Judge of the United States District Court for the Southern District of Texas;

No. 478, Misc. Harry Levine, etc., petitioner, *v.* Radio Corporation of America et al.; and

No. 563, Misc. Maury Gluckstern, petitioner, *v.* New York. Petitions for rehearing denied.

No. 77, Misc. Bethel S. Stevenson, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this application.

RECESS ORDER

The Court will take a recess from Monday, December 17, 1962, until Monday, January 7, 1963.

ORAL ARGUMENT

No. 76. James Gallick, petitioner, *v.* The Baltimore and Ohio Railroad Company. Argued by Mr. Marshall I. Nurenberg for the petitioner and by Mr. Alexander H. Hadden for the respondent.

No. 80. Mark E. Schlude et al., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Carl F. Bauersfeld for the petitioners and by Mr. Louis F. Oberdorfer for the respondent.

No. 52. Raymond R. Best et al., petitioners, *v.* Humboldt Placer Mining Company et al. Argued by Mr. Roger P. Marquis for the petitioners and by Mr. Charles L. Gilmore for the respondents. Memoranda to come.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 11, 1962, will be as follows: Nos. 53, 104, and 91 (93 and 107).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

John B. Swainson, of Lansing, Mich., and Robert A. Derengoski, of Lansing, Mich., on motion of Mr. Philip A. Hart; Charles E. Pool, of Memphis, Tenn., on motion of Mr. Estes Kefauver; Douglas Ernest Bergman, of Dallas, Tex., on motion of Mr. Arthur C. Perry; Philip J. Loree, of New York, N.Y., on motion of Mr. Breck P. McAllister; Richard J. Scupi, of Washington, D.C., on motion of Mr. William J. Lippman; and Richard F. Green, of Elizabeth, N.J., on motion of Mr. William Gural, were admitted to practice.

ORAL ARGUMENT

No. 53. George D. Ker et al., petitioners, *v.* California. Argued by Mr. Robert W. Stanley for the petitioners and by Mr. Gordon Ringer for the respondent.

No. 104. New Jersey et al., appellants, *v.* New York, Susquehanna and Western Railroad Company. Argued by Mr. William Gural for the appellants and by Mr. Vincent P. Biunno for the appellee.

No. 91. Ivan C. McLeod, Regional Director for the Second Region of the National Labor Relations Board, petitioner, *v.* Empresa Hondurena de Vapores, S.A.;

No. 93. National Maritime Union of America, AFL-CIO, petitioner, *v.* Empresa Hondurena de Vapores, S.A.; and

No. 107. Frank W. McCulloch, Chairman, and Philip Ray Rodgers, et al., Members, National Labor Relations Board, petitioners, *v.* Sociedad Nacional de Marineros de Honduras et al. Three and three-quarters hours allowed for oral argument. Argument commenced by Mr. Dominick L. Manoli for the petitioners in Nos. 91 and 107.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 12, 1962, will be as follows:
Nos. 91 (93 and 107), 33, and 62.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

George D. Reycraft, of Silver Spring, Md., on motion of Mr. Solicitor General Archibald Cox; Cecil B. Cohen, of East Chicago, Ind., on motion of Mr. Charles Sylvanus Rhyne; Henry C. Blackiston, of New York, N.Y., on motion of Mr. Breck P. McAllister; and Patrick J. McCarthy, of Omaha, Nebr., on motion of Mr. Lawrence I. Shaw, were admitted to practice.

ORAL ARGUMENT

No. 91. Ivan C. McLeod, Regional Director for the Second Region of the National Labor Relations Board, petitioner, *v.* Empresa Hondurena de Vapores, S.A.;

No. 93. National Maritime Union of America, AFL-CIO, petitioner, *v.* Empresa Hondurena de Vapores, S. A. : and

No. 107. Frank W. McCulloch, Chairman, and Philip Ray Rodgers, et al., Members, National Labor Relations Board, petitioners, *v.* Sociedad Nacional de Marineros de Honduras. Argument continued by Mr. Dominick L. Manoli for the petitioners in Nos. 91 and 107, by Mr. Herman E. Cooper for the petitioner in No. 93, by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, by Mr. Orison S. Marden for the respondent in Nos. 91 and 93, and concluded by Mr. Charles S. Rhyne for the respondent in No. 107.

No. 33. Ingres Steamship Company, Ltd., petitioner, *v.* International Maritime Workers Union et al. Argued by Mr. Breck P. McAllister for the petitioner and by Mr. H. Howard Ostrin for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 13, 1962, will be as follows: Nos. 62, 86, and 133.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Bernard Fensterwald, Jr., of Washington, D.C., and Paul D. Welker, of Clarksville, Tenn., on motion of Mr. James C. Kirby, Jr.; Frederick A. Pfirrmann, of New York, N.Y., on motion of Mr. Peter S. Bedrossian; John Jude O'Donnell, of Washington, D.C., on motion of Mr. William Francis O'Donnell; James William Brehl, of St. Paul, Minn., on motion of Mr. Robert L. Day; and Hal Witt, of Washington, D.C., on motion of Mr. Nathan Witt, were admitted to practice.

ORAL ARGUMENT

No. 62. Northern Natural Gas Company, appellant, *v.* State Corporation Commission of the State of Kansas. Argued by Mr. Mark H. Adams, Sr., for the appellant and by Mr. Charles C. McCarter for the appellee.

No. 86. James Edwards, Jr., et al., petitioners, *v.* South Carolina. Argued by Mr. Jack Greenberg for the petitioners and by Mr. Daniel R. McLeod for the respondent.

No. 133. Daniel Alton Williams, petitioner, *v.* Eugene M. Zuckert, Secretary of the Air Force, et al. Argued by Mr. David I. Shapiro for the petitioner and by Mr. Stephen J. Pollak for the respondents.

Adjourned until Monday, December 17, 1962, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Cynthia Gould Holcomb, of Washington, D.C., Burton Berkley, of Washington, D.C., Chesley Venable Morton, of Fort Lauderdale, Fla., Robert P. Kundinger, of Pompano Beach, Fla., and Samuel H. Becker, of Winthrop, Mass., on motion of Mr. Solicitor General Archibald Cox; Mark Niesen, of Pacoima, Calif., on motion of Mr. Clyde Gilman Doyle; Thomas G. Spicer, of Miami, Fla., on motion of Mr. J. William Norman; Walter W. Johnson, Jr., of Washington, D.C., on motion of Mr. John Alexander; Ernest Joseph Corrado, of Washington, D.C., on motion of Mr. Vincent J. Fuller; James Carson Robinson, of Orlando, Fla., and David Warrington Hedrick, of Orlando, Fla., on motion of Mr. F. Cleveland Hedrick, Jr.; Kenneth E. Tilsen, of St. Paul, Minn., on motion of Mr. Charles Gordon; Saul Arthur Wilchins, of New York, N.Y., on motion of Mr. Oliver Gasch; Robert Louis Kendall, Jr., of Philadelphia, Pa., on motion of Mr. Bernard C. Segal; Alan Herbert Bernstein, of Philadelphia, Pa., on motion of Mr. Samuel Lebowitz; Robert James Timlin, of Washington, D.C., on motion of Mr. Max H. Goldschein; Douglas Peter Null, of Great Neck, N.Y., on motion of Mr. Sidney Dickstein; Johnie Allen McLeod, of Apopka, Fla., on motion of Mr. Tillman Stirling; and James Domengeaux, of Lafayette, La., on motion of Mr. William R. Foley, were admitted to practice.

OPINION

No. 75. Madeline C. Schroeder, appellant, *v.* City of New York. Appeal from the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart.

The Chief Justice said:

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 435. Harris Truck Lines, Inc., petitioner, *v.* Cherry Meat Packers, Inc. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for certiorari granted. On writ of certiorari, judgment vacated and case remanded to that court so that petitioner's appeal may be heard on its merits. Opinion *per curiam*. Mr. Justice Harlan dissents.

No. 479. National Motor Freight Traffic Association, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Columbia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that probable jurisdiction should be noted.

No. 483. John J. Casale, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of New York. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 503. Arlan's Department Store of Louisville, Inc., et al., appellants, *v.* Kentucky. Appeal from the Court of Appeals of Kentucky. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 626, Misc. Earl Clark, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 574. Henry Rogers Anderson, petitioner, *v.* Kentucky. It is ordered that Rules 26 and 36 be suspended in this case and the parties proceed on the basis of the certified typewritten record filed with the Court, and it is further ordered that each and every motion heretofore filed by the petitioner and not heretofore acted upon by the Court be denied.

APPEALS—JURISDICTION NOTED

No. 506. United States, appellant, *v.* Jerry Braverman. Appeal from the United States District Court for the Southern District of California. In this case probable jurisdiction is noted and case placed on the summary calendar.

No. 526. Adell H. Sherbert, appellant, *v.* Charlie V. Verner et al., as Members of South Carolina Employment Security Commission and Spartan Mills. Appeal from the Supreme Court of South Carolina.

In this case probable jurisdiction is noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 509. Elijah Reed, petitioner, *v.* Steamship Yaka, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar.

No. 515. Richard R. Harshman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 516. Malcolm Lebert Parker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 529. United States, petitioner, *v.* Carlo Bianchi and Company, Inc. Petition for writ of certiorari to the United States Court of Claims granted and case placed on the summary calendar.

No. 482. Local No. 207, International Association of Bridge, Structural and Ornamental Iron Workers Union, et al., petitioners, *v.* Jacob Perko. Petition for writ of certiorari to the Supreme Court of Ohio granted and case placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 541. Local 100 of the United Association of Journeymen and Apprentices, petitioner, *v.* H. N. Borden. Motion of the respondent for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, granted. Case placed on the summary calendar and set for argument immediately following No. 482. Mr. Justice Goldberg took no part in the consideration or decision of this motion and petition.

No. 374, Misc. William Smith, Jr., petitioner, *v.* Mississippi. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Mississippi granted. Case transferred to the appellate docket.

CERTIORARI DENIED

No. 505. Marie Miller et al., petitioners, *v.* East Georgia Motors, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 510. Texas Carbonate Company, petitioner, *v.* R. L. Phinney, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 514. James Oddie et al., petitioners, *v.* Ross Gear and Tool Company, Inc. Petition for writ of certiorari to the United States of Appeals for the Sixth Circuit denied.

No. 518. William A. Crowe, etc., petitioner, *v.* Ragnar Benson, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 519. Moore-McCormack Lines, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 521. General Electric Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 522. United States District Court for the Western District of Oklahoma et al., petitioners, *v.* Otto G. Lutes et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 523. Henry S. Morgan et al., petitioners, *v.* Stewart L. Udall, Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 524. In re Warren J. Moity, petitioner. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 525. William H. Loehde et ux., petitioners, *v.* Wisconsin River Power Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 527. Compania Anonima Venezolana de Navegacion, etc., petitioner, *v.* A. J. Perez Export Company, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 472. Ove Gustavsson Contracting Company, Inc., petitioner, *v.* United States for the Use and Benefit of Browne & Bryan Lumber Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 99, Misc. Anthony Palumbo, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 358, Misc. Francis Fox, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 586, Misc. Curtis F. Akers, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 645, *Misc.* Jimmy L. Davis, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 652, *Misc.* Emmett Henderson, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 723, *Misc.* Charley Luther Pike, petitioner, *v.* California; and

No. 724, *Misc.* Richard D. Cenicerros, petitioner, *v.* California. Petitions for writs of certiorari to the Supreme Court of California denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 632, *Misc.* Ernest Calvio Alcalá, petitioner, *v.* California. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED OR TRANSFERRED

No. 328, *Misc.* Jack Roberts, petitioner, *v.* Donald Clemmer, Director, Department of Corrections, et al. Motion for leave to file petition for writ of habeas corpus denied.

No. 213, *Misc.* James Byrnes, petitioner, *v.* Victor G. Walker, Warden. Motion for leave to file an application for a writ of habeas corpus is hereby transferred "for hearing and determination" to the United States District Court for the Eastern District of Louisiana. 28 U.S.C. § 2241(b); Rule 31(5), Revised Rules of the Supreme Court of the United States (1954).

REHEARINGS DENIED

No. 330. Citizens Utilities Company of California, appellant, *v.* Superior Court of California, County of Sacramento, et al.;

No. 365. Kalman Greenhill, petitioner, *v.* United States;

No. 195, *Misc.* Wiley B. Morris, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. 247, *Misc.* Lloyd Eldon Miller, Jr., petitioner, *v.* Frank J. Pate, Warden;

No. 281, *Misc.* Herman L. Taylor, petitioner, *v.* United States;

No. 330, *Misc.* John Threatt, petitioner, *v.* United States;

No. 477, *Misc.* John D. Giagnocavo, petitioner, *v.* American Can Company; and

No. 519, *Misc.* John McConnon, etc., et al., petitioners, *v.* Richard Raoul-Duval et al. Petitions for rehearing denied.

Adjourned until Monday, January 7, 1963, at 10 o'clock.

The day call for Monday, January 7, 1963, will be as follows:
Nos. 31, 51, 115, and 84.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

David H. Greenberg, of Portland, Oreg., Lee Combs, of Beverly Hills, Calif., Robert E. Hinerfeld, of Beverly Hills, Calif., and Andrew Kirkpatrick Parkansky, of Scottsbluff, Nebr., on motion of Mr. Solicitor General Archibald Cox; Winfred Hooper, Jr., of Fort Worth, Tex., on motion of Mr. Ralph W. Yarborough; Francis Matthias Marley, of Fostoria, Ohio, on motion of Mr. Jackson E. Betts; Ralph R. Rea, of Harrison, Ark., on motion of Mr. James W. Trimble; Sidney L. Wickenhaver, of Philadelphia, Pa., on motion of Mr. Paul C. Warnke; Edwin Jay Lasner, of Mount Vernon, N.Y., on motion of Mr. George S. Prugh, Jr.; Harvey L. Zuckman, of Los Angeles, Calif., on motion of Mr. Henry S. Snyder; Jack Paul, of Beverly Hills, Calif., on motion of Mr. Gilbert A. Cuneo; Theodore Krieger, of New York, N.Y., on motion of Mr. Leon B. Polsky; Neil Sandberg, of New York, N.Y., on motion of Mr. Melvin Hirshman; Herman D. Rollins, of Charleston, W. Va., on motion of Mr. Harry A. Inman; and Thomas J. Middleton, Jr., of Fairfax, Va., Robert E. Swan, of Fairfax, Va., E. A. Prichard, of Fairfax, Va., F. Sheild McCandlish, of Fairfax, Va., and Haynie S. Trotter, of Fairfax, Va., on motion of Mr. William C. Baughnigh, Jr., were admitted to practice.

OPINIONS

No. 88. National Labor Relations Board, petitioner, *v.* Reliance Fuel Oil Corporation. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black concurs in the result.

No. 96. United States, petitioner, *v.* Buffalo Savings Bank. On writ of certiorari to the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Douglas dissents.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 445. Southern California Edison Company, appellant, *v.* Public Utilities Commission of California. Appeal from the Supreme Court of California. The motion of Southern California Gas Company and Southern Counties Gas Company of California to correct title and caption is granted. The motions to dismiss are granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 545. Charles W. Jamieson, appellant, *v.* Chicago Title and Trust Co., etc., et al. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 559. Samuel Voltaggio, appellant, *v.* Nicholas V. Caputo, County Clerk, County of Essex, New Jersey, et al. Appeal from the United States District Court for the District of New Jersey. The motion to dismiss is granted and the appeal is dismissed as moot. Opinion *per curiam*.

No. 570. Frederick Blaustein, appellant, *v.* Caesar L. Aiello, Substitute Trustee. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 572. Harold E. Vickers, appellant, *v.* Township Committee of Gloucester Township et al. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 578. Lyss D. Lamb, appellant, *v.* California. Appeal from the District Court of Appeal of California, Second Appellate District. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 582. William K. Williamson et al., appellants, *v.* Hopewell Redevelopment and Housing Authority. Appeal from the Supreme Court of Appeals of Virginia. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 584. Andrew J. Easter, appellant, *v.* Department of Assessments of Baltimore City. Appeal from the Court of Appeals of Maryland. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 625, Misc. Phillip Johnson, Jr., appellant, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 635, Misc. Harvey George Thomas, appellant, *v.* California. Appeal from the Supreme Court of California. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 10, Original. Commonwealth of Virginia, plaintiff, *v.* State of Maryland. The report of the Special Master is received, approved and ordered filed. In view of the suggestion of the parties and the recommendation of the Special Master that the case has been settled and is now moot, the bill of complaint is dismissed. The costs in this case are to be equally divided between the parties. The Special Master, having completed all of his duties, is hereby discharged.

No. 54. The White Motor Company, appellant, *v.* United States. The motion of Serta Associates, Inc., et al., for leave to file a brief, as *amici curiae*, is granted. The motion of Sandura Company for leave to file a brief, as *amicus curiae*, is granted.

No. 119. William J. Murray III, etc., et al., petitioners, *v.* John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City; and

No. 142. School District of Abington Township Pennsylvania, et al., appellants, *v.* Edward Lewis Schempp et al. The motion of The American Ethical Union for leave to file a brief, as *amicus curiae*, is granted.

No. 346. Santa Maria Shipowning & Trading Company, S.A., et al., petitioners, *v.* Fanorios Panteloglou et al. The motion for damages and to stay issuance of the mandate of the Court of Appeals is denied.

No. 430. Arrow Transportation Company et al., petitioners, *v.* Southern Railway Company et al. The motion of Statesville Flour Mills for leave to file a brief, as *amicus curiae*, is granted. The motion of Walley Milling Company for leave to file a brief, as *amicus curiae*, is granted. The motion of Southern Governors' Conference et al. for

leave to file a brief, as *amici curiae*, is granted. The motion of The National Association of Railroad and Utilities Commissioners for leave to file a brief, as *amicus curiae*, is granted.

CERTIORARI GRANTED

No. 606. The New York Times Company, petitioner, *v. L. B. Sullivan*. Petition for writ of certiorari to the Supreme Court of Alabama granted.

No. 609. Ralph D. Abernathy et al., petitioners, *v. L. B. Sullivan*. Petition for writ of certiorari to the Supreme Court of Alabama granted and case set for argument immediately following No. 606.

No. 535. Claude Dennis, petitioner, *v. The Denver & Rio Grande Western Railroad Company*. Petition for writ of certiorari to the Supreme Court of Utah granted and case placed on the summary calendar.

No. 573. The Honorable James B. Parsons, Judge of the United States District Court for the Northern District of Illinois, petitioner, *v. The Chesapeake & Ohio Railway Company*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 593. Gene Durfee et ux., petitioners, *v. Julia E. Duke*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on the summary calendar.

No. 544. Francesco Foti, a/k/a Frank Foti, petitioner, *v. Immigration and Naturalization Service*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to question 1 presented by the petition which reads as follows:

“(1) Whether or not the Circuit Court of Appeals has jurisdiction to review the final orders of the Special Inquiry Officer authorized by the Attorney General to be made during the course of deportation proceedings?”

The case is placed on the summary calendar.

CERTIORARI DENIED

No. 323. Hugh Smith, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 376. Preston Cobb, Jr., petitioner, *v. Georgia*. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 451. Walter R. Laudenslager, et ux., petitioners, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 499. George E. Baldwin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 531. Frank Joseph Burns, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 533. Edythe Rice Dyer, petitioner, *v.* Edward P. Murray, etc., et al. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 536. Thomas C. Keiningham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 539. M. A. Price et al., petitioners, *v.* William N. Christian, Secretary of State of the State of Oklahoma. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 547. Reinsurance Agency, Inc., petitioner, *v.* Liberty National Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 548. Stowe-Woodward, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 549. Raymond H. Witte et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 550. International Harvester Co. et al., petitioners, *v.* The City of Kansas City, Kansas, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 551. H. L. Lott et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 552. Carol Lee Ragland et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 553. Associated Telephone and Telegraph Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 555. C. George Swallow, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 556. Bridgeport Federal Savings and Loan Association, petitioner, *v.* Federal Home Loan Bank Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 557. Flora Construction Company, petitioner, *v.* Fireman's Fund Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 560. Edward E. Colton and Lillian Kaltman, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 561. Charles Henry Beaver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 562. Abe Plisco et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 564. Washington ex rel. Arthur Eber Sherman, Jr., petitioner, *v.* The Board of Governors of the Washington State Bar Association, etc., et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 565. Isbrandtsen Company, Inc., petitioner, *v.* Paul Maximo, Walter Salo, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 567. Gold Fuel Service, Inc., petitioner, *v.* Esso Standard Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 576. Theron C. Lynd, Registrar of Elections of Forrest County, Mississippi, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 577. Frances D. Pearman, petitioner, *v.* Anthony J. Celebrezze, Secretary of Health, Education, and Welfare of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 580. J. Benjamin Hall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 581. Carl Whitson, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 587. Muskegon Piston Ring Company, petitioner, *v.* Ernest R. Olsen and National Piston Ring Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 589. Texas and New Orleans Railroad Company et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al. Petition for

writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 591. Nelson-Ryan Flight Service, Inc., petitioner, *v.* Lorraine M. Lange, etc. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 595. W. S. Welch, etc., et al., petitioners, *v.* Glen Runge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 596. Sears, Roebuck & Co., et al., petitioners, *v.* Harold T. Jones et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 598. United Brotherhood of Carpenters and Joiners of America, AFL-CIO, petitioner, *v.* Roscoe Humphreys. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 599. Albert Freed, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Part of Court of Special Sessions of New York, New York, Second Judicial Department, denied.

No. 602. Conner Air Lines, Inc., et al., petitioners, *v.* Aviation Credit Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 605. Abe Lipsky, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 608. Hermetic Seal Products Company, P. R., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 612. Paul Kaiser, etc., et al., petitioners, *v.* Price-Fewell, Inc. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 542. Western Air Lines, Inc., petitioner, *v.* City and County of San Francisco. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 546. J. M. Eastland et ux., petitioners, *v.* Ellis Campbell, Jr., District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice White took no part in the consideration or decision of this petition.

No. 558. Aeronautical Communications Equipment, Inc., petitioner, *v.* Helen Russell Pierce, Executrix, etc. Petition for writ of

certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 568. William J. Batten and Katie M. Batten, his wife, et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 579. Florene I. Miller et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 588. Perry Zimmerman, petitioner, *v. Board of Education of the City of Newark et al.* Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Brennan took no part in the consideration or decision of this petition.

No. 594. Gloria Muse, etc., petitioner, *v. United States Casualty Company*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 27, **Misc.** Chester R. Morris, petitioner, *v. University of Texas et al.* Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 141, **Misc.** Berlin Acey Odom, petitioner, *v. Jack Heard, Acting Director, Texas Department of Corrections*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 366, **Misc.** Fred John Corey et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 456, **Misc.** Howard B. Piccott, petitioner, *v. DeWitt Sinclair*. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 589, **Misc.** Henry S. Bush, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 593, **Misc.** Charles Hubbard, petitioner, *v. Missouri*. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 604, **Misc.** Francis Joseph Griewski, petitioner, *v. Wisconsin*. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 606, **Misc.** Robert Burks, petitioner, *v.* J. H. Klinger, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 607, **Misc.** Ervin Ray Young, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 611, **Misc.** Nelson Harris, petitioner, *v.* Frederick G. Reincke, Warden. Petition for writ of certiorari to the Superior Court of Connecticut, Hartford County, denied.

No. 614, **Misc.** George M. Snyder, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 616, **Misc.** Joe Richard Bassett, petitioner, *v.* Ralph H. Tashash, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 617, **Misc.** Sam Naylor, petitioner, *v.* Victor G. Walker, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 618, **Misc.** Jean Edward Lehman, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 620, **Misc.** Dupree Poe, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 621, **Misc.** Jerry Midwinter Shipman, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 622, **Misc.** James Janosko, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 623, **Misc.** James T. Cogdell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 624, **Misc.** Harold Bernard Swanson, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 628, **Misc.** Paul Rodger Weller, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 633, **Misc.** Grant Cooper, petitioner, *v.* Martin J. Wiman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama, denied.

No. 636, *Misc.* E. R. Humphries, Jr., petitioner, *v.* George J. Beto, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 637, *Misc.* Andrew Betts, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 639, *Misc.* Johnson Moore, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 641, *Misc.* John Gilbert, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 643, *Misc.* Richard Eugene Sires, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 650, *Misc.* Michael Kilgallen, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 651, *Misc.* William Ray Jones, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 653, *Misc.* Clarence Henderson, petitioner, *v.* Dr. George J. Beto, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 708, *Misc.* Thomas L. Bratcher, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 700, *Misc.* William Kirsch, petitioner, *v.* Frank J. Pate, Warden; and

No. 741, *Misc.* Thomas Contaldo, petitioner, *v.* Robert E. Murphy, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 449, *Misc.* Loy Rollin Kirk, petitioner, *v.* Sheriff of Los Angeles County;

No. 482, *Misc.* Charles H. Wilson, petitioner, *v.* South Carolina et al.; and

No. 680, *Misc.* Carl Kimbro, petitioner, *v.* Lynn Bomar, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 640. **Misc.** Alvin Schontube, petitioner, *v.* Supreme Court of Wisconsin; and

No. 675, **Misc.** Francis B. Springfield, petitioner, *v.* Oliver J. Carter, United States District Judge. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 113. Charles Christopher Campbell et al., petitioners, *v.* Pennsylvania;

No. 124. Atlas Scraper and Engineering Co., petitioner *v.* Harry A. Pursche;

No. 383. Edward Carmine Coppolla et al., petitioners, *v.* United States; and

No. 538. Anthony Campisi, petitioner, *v.* United States;

No. 389. Agnes June Dillard, petitioner, *v.* Jackson's Atlanta Ready Mix Concrete Company, Inc.;

No. 416. In the Matter of the Application of Andrew Alford, petitioner;

No. 418. Nichols & Company, petitioner, *v.* United States;

No. 430, **Misc.** Johnnie Clifford McDowell, petitioner, *v.* United States;

No. 445, **Misc.** Miles La Rose, appellant, *v.* Ralph Tahash, Warden;

No. 541, **Misc.** Robert E. Lipscomb, petitioner, *v.* United States; and

No. 608, **Misc.** Morris Thomas, petitioner, *v.* D. M. Heritage, Warden. Petitions for rehearing denied.

No. 25. William Presser, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this application.

ORAL ARGUMENT

No. 31. H. P. Dugan et al., petitioners, *v.* Everett G. Rank et al. Argued by Mr. Solicitor General Cox for the petitioners and by Mr. Claude L. Rowe for the respondents.

No. 51. City of Fresno, petitioner, *v.* California et al. Argued by Mr. Claude L. Rowe for the petitioner and by Mr. Solicitor General Cox for the respondents.

No. 115. The Delano-Earlimart Irrigation District et al., petitioners, *v.* Everett G. Rank et al. Argued by Mr. B. Abbott Goldberg for the petitioners and by Mr. Claude L. Rowe for the respondents.

No. 84. Edward M. Fay, Warden, et al., petitioners, *v.* Charles Noia. Argument commenced by Mr. William I. Siegel for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 8, 1963, will be as follows: Nos. 84, 45, 49, and 72 (73 and 74).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

George Williams Rutherford, of San Diego, Calif., on motion of Mr. Frank Church; Samuel K. Freshman, of Beverly Hills, Calif., on motion of Mr. James C. Corman; Marie Theresa Lauck, of Indianapolis, Ind., on motion of Mr. Louis Fenner Claiborne; Ky Pepper Ewing, Jr., of Washington, D.C., on motion of Mr. John Lord O'Brian; Louis Joseph Knobbe of La Habra, Calif., on motion of Mr. Oscar B. Waddell; Robert D. Canada, of Tallahassee, Fla., on motion of Mr. Herman J. Morton; Frederick Gale White, of Waterloo, Iowa, on motion of Mr. Howard J. Adler; and Henry Norr Kalow, of New York, N.Y., Thomas Leo Stapleton, of Brooklyn, N.Y., Ronald Bruce Klinemen, of Rochester, N.Y., and David Meeker Gill, of San Diego, Calif., on motion of Mr. Ralph Herrod, were admitted to practice.

ORAL ARGUMENT

No. 84. Edward M. Fay, Warden, et al., petitioners, *v.* Charles Noia. Argument continued by Mr. William I. Siegel for the petitioners, by Mr. Joseph J. Rose for the State of New York, as *amicus curiae*, and concluded by Mr. Leon B. Polsky for the respondent.

No. 45. Florida Lime and Avocado Growers, Inc., et al., appellants, *v.* Charles Paul, Director of Department of Agriculture of California, et al.; and

No. 49. Charles Paul, Director of Department of Agriculture of California, et al., appellants, *v.* Florida Lime and Avocado Growers, Inc., et al. Argued by Mr. Isaac E. Ferguson for the appellants in No. 45 and for the appellees in No. 49 and by Mr. John Fourt for the appellees in No. 45 and for the appellants in No. 49.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 9, 1963, will be as follows: Nos. 72 (73 and 74), 59, and 430.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Grant E. McGee, of Denver, Colo., and John Joseph Conway, of Denver, Colo., on motion of Mr. Byron G. Rogers; Charles Rowan, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Robert McClory, of Waukegan, Ill., Richard Raymond Bairstow, of Waukegan, Ill., Donald M. Lonchar, Jr., of Waukegan, Ill., and Donald E. Deuster, of Libertyville, Ill., on motion of Mr. Rufus King; Richard P. Matsch, of Denver, Colo., on motion of Mr. J. Edgar Murdock; Edward J. Drake, of Dallas, Tex., and James W. Schoolfield, of Dallas, Tex., on motion of Mr. Walter I. Horlick; George D. Beter, of Huntington, W. Va., on motion of Mr. Peter D. Beter; and James Monroe Little, of Oklahoma City, Okla., on motion of Mr. Leslie L. Conner, were admitted to practice.

ORAL ARGUMENT

No. 72. Wisconsin et al., petitioners, *v.* Federal Power Commission et al.;

No. 73. California et al., petitioners, *v.* Federal Power Commission et al.; and

No. 74. Long Island Lighting Co., et al., petitioners, *v.* Federal Power Commission et al. Three hours allowed for oral argument. Argued by Mr. Kent H. Brown for the petitioners in No. 72, by Mr. William M. Bennett for the petitioners in No. 73, by Mr. J. David Mann, Jr., for the petitioners in No. 74, by Mr. Richard A. Solomon for the respondent, Federal Power Commission, in all three cases, and by Mr. Kenneth Heady for the respondent, Phillips Petroleum Company, in all three cases.

No. 59. A. J. Simler, petitioner, *v.* Leslie E. Conner. Argument commenced by Mr. John B. Ogden for the petitioner and continued by Mr. Peyton Ford for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 10, 1963, will be as follows: Nos. 59, 430, and 236.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

John Reed Ax, of Linton, Ind., on motion of Mr. Vance Hartke; Martin J. Munson, of Los Angeles, Calif., Melvin W. Miller, of Los Angeles, Calif., and Herbert Glaser, of Los Angeles, Calif., on motion of Mr. James C. Corman; Woodrow Wilson Lavender, of Elberton, Ga., on motion of Mr. Robert G. Stephens, Jr.; H. O. Van Petten, of Los Angeles, Calif., and Marvin Lee Holen, of Los Angeles, Calif., on motion of Mr. Clyde Gilman Doyle; Tedford Dees, of Denver, Colo., on motion of Mr. Byron G. Rogers; Morgan Lauck Walton III, of New York, N.Y., on motion of Mr. Frank S. Tavenner, Jr.; Edmond F. McKeown, Jr., of Chicago, Ill., on motion of Mr. A. Kenneth Pye; and Walter Carroll Taylor, Jr., of New York, N.Y., on motion of Mr. Edward R. Kenney, were admitted to practice.

ORAL ARGUMENT

No. 59. A. J. Simler, petitioner, *v.* Leslie E. Conner. Argument continued by Mr. Peyton Ford for the respondent and concluded by Mr. John B. Ogden for the petitioner. Briefs to come.

No. 430. Arrow Transportation Company et al., petitioners, *v.* Southern Railway Company et al. Three hours allowed for oral argument. Argued by Mr. John C. Lovett for the petitioners, by Mr. Ralph S. Spritzer for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Dean Acheson for the respondents.

Adjourned until Monday, January 14, 1963, at 10 o'clock.

The day call for Monday, January 14, 1963, will be as follows: Nos. 236, 54, and 155.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Hugh Reid Kincaid, of Fayetteville, Ark., James T. Sherwin, of New York, N.Y., and Joseph Jennings Murphy, of Columbus, Ohio, on motion of Mr. Solicitor General Archibald Cox; Richard Richards, of Los Angeles, Calif., on motion of Mr. Clair Engle; Robert D. Buehler, of Atchison, Kans., on motion of Mr. Garner E. Shriver; Bruce Robert Jacob, of Bartow, Fla., on motion of Mr. George Deiter Mentz; Raymond Alfred Haik, of Minneapolis, Minn., on motion of Mr. William R. Vallance; John J. Lally, of Spokane, Wash., on motion of Mr. Thomas Stephen Foley; John Frank Hay, of Lubbock, Tex., on motion of Mr. Paul D. Page, Jr.; Max L. Bernbaum, of Beverly Hills, Calif., on motion of Mr. Peter H. Smolka; Willis M. Forman, of St. Paul, Minn., on motion of Mr. William Mitchell; Harry J. Lambeth, of Bethesda, Md., and Edward Booker Layne, Jr., of Bethesda, Md., on motion of Mr. Frank W. Kuehl; and Gordon R. Kindness, of Rockville, Md., Charles W. Bell, of Rockville, Md., Edward A. Palamara, of Rockville, Md., Herbert Walter Jorgensen, of Rockville, Md., James R. Miller, Jr., of Rockville, Md., William A. Linthicum, Jr., of Rockville, Md., R. Edwin Brown, of Rockville, Md., Judson Rawlings Wood, of Rockville, Md., G. Richard Park of Rockville, Md., Ronald F. McDonald, Jr., of Kensington, Md., Benedict George Ballman, of Kensington, Md., William M. Canby, of Brookville, Md., Robert G. Tobin, Jr., of Brookville, Md., Robert Smith Bourbon, of Silver Spring, Md., Joe Merrill Kyle, of Silver Spring, Md., David Macdonald, of Silver Spring, Md., Carl L. Frederick, Jr., of Wheaton, Md., John J. Mitchell, of Takoma Park, Md., and Richard B. Latham, of Bethesda, Md., on motion of Mr. Thomas B. Finan, were admitted to practice.

OPINIONS

No. 56. Federal Trade Commission, petitioner, *v.* Sun Oil Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Separate

memorandum by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 5. National Association for the Advancement of Colored People, etc., petitioner, *v.* Robert Y. Button, Attorney General of Virginia, et al. On writ of certiorari to the Supreme Court of Appeals of Virginia. Judgment reversed and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas. Opinion by Mr. Justice White concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Stewart join.

No. 36. Wong Sun and James Wah Toy, petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 16. Shotwell Manufacturing Company et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas join.

No. 57. Michael Cleary, petitioner, *v.* Edward Bolger. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren joins. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren concurs, joining in dissenting opinion of Mr. Justice Douglas.

The Court took a recess from noon for the purpose of attending a joint session of Congress of the United States to hear the President's address on the State of the Union and reconvened at 2 o'clock.

OPINIONS (resumed)

No. 19. Charles Paul, Director of Agriculture of California, et al., appellants, *v.* United States. Appeal from the United States District Court for the Northern District of California. Judgment affirmed

except insofar as it must be modified to reflect the change in federal procurement policy noted in the opinion and it is vacated insofar as it relates to purchases and sales of milk made from nonappropriated funds. Case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan and Mr. Justice Goldberg join.

No. 81. United States, appellant, *v.* Georgia Public Service Commission. Appeal from the United States District Court for the Northern District of Georgia. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan and Mr. Justice Goldberg join.

No. 23. Pan American World Airways, Inc., appellant, *v.* United States; and

No. 47. United States, appellant, *v.* Pan American World Airways, Inc., et al. Appeals from the United States District Court for the Southern District of New York. Judgment reversed and cases remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren joins. Mr. Justice Clark and Mr. Justice Harlan took no part in the consideration or decision of these cases.

No. 52. Raymond R. Best et al., petitioners, *v.* Humboldt Placer Mining Company et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 77. John R. Jones, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to grant petitioner's motion to add the members of the Parole Board as respondents and proceed to a decision on the merits of petitioner's case. Opinion by Mr. Justice Black.

No. 133. Daniel Alton Williams, petitioner, *v.* Eugene M. Zuckert, Secretary of the Air Force, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. The writ of certiorari is dismissed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Harlan concurs in the result. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 528. R. A. Riddell, District Director of Internal Revenue, Los Angeles District, petitioner, *v.* Monolith Portland Cement Co. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari granted. On writ, judgment reversed and case remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice White took no part in the consideration or decision of this case.

No. 592. Shenandoah Valley Broadcasting, Inc., et al., appellants, *v.* American Society of Composers, Authors and Publishers. Appeal from the United States District Court for the Southern District of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*. Mr. Justice Black is of the opinion that probable jurisdiction should be noted.

No. 729, Misc. Allen Ditson, petitioner, *v.* California. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, upon consideration of mootness, judgment vacated and case remanded to the Supreme Court of California for such proceedings as that court may deem appropriate. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 511. James E. Bush, petitioner, *v.* Texas. The motion of American and Dallas Civil Liberties Unions for leave to file a brief, as *amicus curiae*, is granted.

APPEAL—JURISDICTION NOTED

No. 604. Division 1287 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America et al., appellants, *v.* Missouri. Appeal from Supreme Court of Missouri. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 628. N. L. Liner et al., petitioners, *v. Jafco, Inc., et al.* Petition for writ of certiorari to the Court of Appeals of Tennessee granted and case placed on the summary calendar.

No. 632. United States, petitioner, *v. Aaron Zacks et al.* Petition for writ of certiorari to the United States Court of Claims granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 597. John Wight and Mondakota Gas Company, petitioners, *v. Montana-Dakota Utilities Company.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 613. Theodore W. Berenson et al., petitioners, *v. Thomas N. Muchard.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 619. Tri-Pharmacy, Inc., et al., petitioners, *v. Virginia.* Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 620. Jim Laing, petitioner, *v. Virginia.* Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 623. William Rickenbacker, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 624. Sears, Roebuck and Co., petitioner, *v. Richard F. Gugel, Sr.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 626. G. Mark French et al., petitioners, *v. Town of Clintwood ex rel. Goldie Johnson.* Petition for writ of certiorari to the Supreme Court of Virginia denied.

No. 627. Aerovias Interamericanas de Panama, S.A., et al., petitioners, *v. Board of County Commissioners of Dade County, Florida, etc.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 636. William H. Wood et al., petitioners, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 571. Graham Harley, petitioner, *v. Honorable Robert E. Tehan, Judge of the United States District Court for the Eastern District of Wisconsin.* The motion of Louisville and Nashville Railroad Company for leave to file a brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 359, *Misc.* Fred J. Odell, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 528, *Misc.* William Frierson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 529, *Misc.* Louis J. Placona, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 554, *Misc.* In the Matter of Jean L. Chester, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 572, *Misc.* Dominic Allocco, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 605, *Misc.* Leland A. B. Thomas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 661, *Misc.* William J. Stacey, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 664, *Misc.* Oran Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 670, *Misc.* Charles E. Morrow, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 673, *Misc.* Otis Wright, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 681, *Misc.* John H. Rathbun, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 799, *Misc.* Mellott Faust, petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 579, *Misc.* Kenneth Pardee, petitioner, *v.* John C. Burke, Warden; and

No. 588, *Misc.* Ralph Bolin, petitioner, *v.* R. Fuller Goodman, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

REHEARINGS DENIED

No. 363. Paul Ginsburg, petitioner, *v.* Hon. Dave W. Ling, Judge of the United States District Court for the District of Arizona;

No. 443. Rufus F. and Marguerite H. Turner, petitioners, *v.* Commissioner of Internal Revenue;

No. 478. William G. Stratton et al., petitioners, *v.* Lar Daly;

No. 488. Gunderson Bros. Engineering Corporation, petitioner, *v.* Merritt-Chapman and Scott Corporation;

No. 62, Misc. Harold Lieberman, petitioner, *v.* Ohio;

No. 326, Misc. Joseph L. DeLeVay, petitioner, *v.* National Savings and Trust Co.;

No. 403, Misc. Harold Lieberman, petitioner, *v.* Columbus Bar Association; and

No. 598, Misc. In the Matter of the Disbarment of John H. Gately. Petitions for rehearing denied.

No. 467. James Alvado et al., petitioners, *v.* General Motors Corporation. Petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this application.

RECESS ORDER

The Court will take a recess from Monday, January 21, 1963, until Monday, February 18, 1963.

ORAL ARGUMENT

No. 236. German S. Lopez, petitioner, *v.* United States. Argued by Mr. Edward J. Davis for the petitioner and by Mr. Louis F. Claiborne for the respondent.

No. 54. The White Motor Company, appellant, *v.* United States. Argument commenced by Mr. Gerhard A. Gesell for the appellant and continued by Mr. Solicitor General Cox for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 15, 1963, will be as follows: Nos. 54, 155, and 34.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Frank J. Kelley, of Alpena, Mich., on motion of Mr. Philip A. Hart; Jacob Jacobson, of Buffalo, N.Y., on motion of Mr. Myron G. Erlich; Charles K. Inglis, of St. Petersburg Beach, Fla., on motion of Mr. Floyd Lee Williams; Howard W. Morgan, Jr., of Cincinnati, Ohio, on motion of Mr. Daniel Flynn; Leo B. Connelly, of New York, N.Y., on motion of Mr. Granson Purcell; Walter Barthold, of New York, N.Y., on motion of Mr. Robert L. Wald; Charles Rembar, of New York, N.Y., on motion of Mr. Sigmund Timberg; Joseph T. Helling, of South Bend, Ind., on motion of Mr. Nathan Levy; and Ernest Thomas Kaufmann, of Washington, D.C., on motion of Mr. Howard C. Westwood, were admitted to practice.

ORAL ARGUMENT

No. 54. The White Motor Company, appellant, *v.* United States. Argument continued by Mr. Solicitor General Cox for the appellee and concluded by Mr. Gerhard A. Gesell for the appellant.

No. 155. Clarence Earl Gideon, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Three hours for oral argument. Argued by Mr. Abe Fortas for the petitioner, by Mr. J. Lee Rankin for the American Civil Liberties Union, as *amicus curiae*, by special leave of Court, by Mr. Bruce R. Jacob for the respondent and by Mr. George D. Mentz for the State of Alabama, as *amicus curiae*.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 16, 1963, will be as follows: Nos. 34, 201, and 283.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Ralph Smith, Jr., of Montgomery, Ala., on motion of Mr. Albert M. Rains; James E. Hendry, of St. Petersburg, Fla., on motion of Mr. Charles E. Chamberlain; Joseph Zallen, of Boston, Mass., on motion of Mr. James Thaddeus Clark; Rivers Buford, Jr., of Tallahassee, Fla., on motion of Mr. Paul G. Rogers; Laurence S. Fordham, of Boston, Mass., on motion of Mr. J. William Doolittle, Jr.; Walter Henry Steinbauer, Jr., of Wilmington, Del., on motion of Mr. Frederick Schafer; and Claude Frederick Seila, of Lenoir, N.C., on motion of Mr. George F. Bason, Jr., were admitted to practice.

ORAL ARGUMENT

No. 34. William Douglas and Bennie Will Meyes, petitioners, *v.* California. Reargued by Mr. Marvin M. Mitchelson and Mr. Burton Marks for the petitioners and by Mr. Jack E. Goertzen and Mr. William E. James for the respondent.

No. 201. Robert Draper and Raymond Lorentzen, petitioners, *v.* Washington et al. Argued by Mr. Charles F. Luce for the petitioners and by Mr. John J. Lally for the respondents.

No. 283. Ward Lane, Warden, petitioner, *v.* George Robert Brown. Leave granted Mr. William D. Ruckelshaus to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Nathan Levy. Argument commenced by Mr. William D. Ruckelshaus for the petitioner, *pro hac vice*, by special leave of Court, and continued by Mr. Nathan Levy for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 17, 1963, will be as follows: Nos. 283, 112, and 288.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Edward M. Kennedy, of Boston, Mass., and Wm. B. Hartsfield, of Atlanta, Ga., on motion of Mr. Attorney General Robert F. Kennedy; Lucy Redd, of Salt Lake City, Utah, on motion of Mr. Frank E. Moss; Richard Shannon Manley, of Demopolis, Ala., on motion of Mr. Armistead Selden; Kenneth Perrine, of Birmingham, Ala., on motion of Mr. George Huddleston, Jr.; John Mark McLaughlin, of Snyder, Tex., on motion of Mr. Graham B. Purcell, Jr.; Fred S. Abney, of Dallas, Tex., on motion of Mr. William Ramsey Clark; Robert G. Lauck, of St. Paul, Minn., on motion of Mr. F. Trowbridge vom Baur; Terrence J. Ford, of Stockton, Calif., on motion of Mr. Frederick Bernays Wiener; Philip H. Irwin, of Spokane, Wash., on motion of Mr. Thomas Stephen Foley; Thomas Hart Taylor, of Washington, D.C., on motion of Mr. William W. Roberts; Marcus Mattson, of Los Angeles, Calif., on motion of Mr. Richard A. Whiting; Melville B. Nimmer, of Los Angeles, Calif., on motion of Mr. Charles T. Duncan; Loren T. Wood, of New York, N.Y., on motion of Mr. James H. Tully; Frank T. Dierson, of Glen Cove, N.Y., on motion of Mr. Wayne K. Hill; J. Richard Carr, of Washington, D.C., on motion of Mr. Richard Whittington Whitlock; Arlen Specter, of Philadelphia, Pa., on motion of Mr. Stephen John Pollak; Frank B. Cahn II, of Baltimore, Md., on motion of Mr. Paul A. Dorf; and Irving Olds Murphy, of Erie, Pa., John Geib Wayman, of Pittsburgh, Pa., and Robert Lewis, of New York, N.Y., on motion of Mr. John C. Bane, Jr., were admitted to practice.

ORAL ARGUMENT

No. 283. Ward Lane, Warden, petitioner, *v.* George Robert Brown. Argument continued by Mr. Nathan Levy for the respondent and concluded by Mr. William D. Ruckelshaus for the petitioner *pro hac vice*, by special leave of Court.

No. 112. James H. Gray, as Chairman of the Georgia State Democratic Executive Committee, et al., appellants, *v.* James O'Hear Sanders. Three hours allowed for oral argument. Argued by Mr.

B. D. Murphy and by Mr. E. Freeman Leverett for the appellants, by Mr. Morris B. Abram for the appellee, and by Mr. Attorney General Robert F. Kennedy for the United States, as *amicus curiae*, by special leave of Court.

Adjourned until Monday, January 21, 1963, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Bruno R. Pavia, of New York, N.Y., Henry O. Leichter, of New York, N.Y., Roger P. Stokey, of Wayland, Mass., Marianne Shutack Lavelle, of Lehighton, Pa., and John P. Lavelle, of Lehighton, Pa., on motion of Mr. Solicitor General Archibald Cox; Bert T. Kobayashi, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; Sanford Noah Katz, of Washington, D.C., on motion of Mr. Marvin Jones; G. H. Martin, of Fort Lauderdale, Fla., on motion of Mr. Laurence H. Axman; Marian M. Manary, of Bay City, Mich., and Bernard S. Frasik, of Bay City, Mich., on motion of Mrs. Marguerite R. Cedarberg; Robert M. Wolters, of Highland Park, Ill., on motion of Mr. Charles L. Sturtevant; Lloyd Evans Moore, of Ironton, Ohio, and Henry Snowden Turner, of Washington, D.C., on motion of Mr. Warren E. Miller; Kenneth A. MacDonald, of Seattle, Wash., on motion of Mr. Kenneth A. Cox; William J. Hannan, of North Tarrytown, N.Y., on motion of Mr. Walter D. Matson; Theodore F. Bofinger, of San Francisco, Calif., on motion of Mr. Stanley N. Ohlbaum; John Einar Murray, of Alexandria, Va., and Robert F. McCabe, of Falls Church, Va., on motion of Mr. Louis A. Masciocchi; Sherman J. Saxl, of New York, N.Y., on motion of Mr. Wilmer S. Schantz, Jr.; John R. Purcell, of Glastonbury, Conn., on motion of Mr. James T. Holland, Jr.; Henry L. Scott, of Houston, Tex., on motion of Mr. William P. McClure; John Woolman Douglas, of Chevy Chase, Md., on motion of Mr. Hamilton Carothers; Raymond J. Lloyd, of Palo Alto, Calif., on motion of Mr. Richard B. Berryman; Jeremy C. McCamic, of Wheeling, W. Va., and David L. Good, of Wheeling, W. Va., on motion of Mr. Mark B. Sandground; Phyllis Mahler, of New York, N.Y., Robert W. Seavey, of New York, N.Y., David C. Newman, of Cape Girardeau, Mo., Loyd A. Shookman, of Rockville, Ind., and John Charles Hoover, of Seattle, Wash., on motion of Mr. Walter I. Horlick; and John F. Christensen, of San Francisco, Calif., Byron Jackson Hayes, Jr., of Los Angeles, Calif., Morris D. Hodges, of Charlottesville, Va., Frank James Dorsey, of Tacoma, Wash., William Henry Neinast, of Somerville, Tex., Lloyd K. Rector, of Drexel, N.C., Guy A. Hamlin, of Durham, N.C., Henry L. Brown, of Columbia, S.C., and James

Thomas Hawk, of Cleveland, Tenn., on motion of Mr. Ralph Herrod, were admitted to practice.

OPINIONS

No. 87. Local No. 438 Construction & General Laborers' Union, AFL-CIO, petitioner, *v.* S. J. Curry, et al., etc. On writ of certiorari to the Supreme Court of Georgia. Judgment reversed and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Opinion by Mr. Justice Harlan concurring in the result.

No. 14. Mercantile National Bank at Dallas, appellant, *v.* C. H. Langdeau, Receiver; and

No. 15. Republic National Bank of Dallas, appellant, *v.* C. H. Langdeau, Receiver. Appeals from the Supreme Court of Texas. Judgments reversed and cases remanded to the Supreme Court of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Mr. Justice Black and Mr. Justice Douglas, while agreeing with the Court that the judgments are "final", dissent on the merits of the controversy. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Clark took no part in the consideration or decision of these cases.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 543. Charles D. Stuart et al., appellants, *v.* Will Wilson, Attorney General of Texas, et al. Appeal from the United States District Court for the Northern District of Texas. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 603. Rene Bardy, appellant, *v.* United States and MCA, Inc. Appeal from the United States District Court for the Southern District of California. The motions to dismiss are granted and the appeal is dismissed. Opinion *per curiam*.

No. 607. Missouri ex rel. Mildred B. Johnson, etc., et al., appellants, *v.* Jack L. Clay, Superintendent of Division of Insurance, etc., et al. Appeal from the Supreme Court of Missouri. The motions to dismiss are granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 645. Bendix Corporation, appellant, *v.* Radio Position Finding Corp. Appeal from the United States District Court for the District of Maryland. The judgment is affirmed. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 12, **Original.** State of Hawaii, plaintiff, *v.* David E. Bell. This case is set for argument on Monday, October 14, 1963, and a total of two hours is allowed for oral argument.

No. 150. Harold J. Silver, d/b/a Municipal Securities Company, et al., petitioners, *v.* New York Stock Exchange. The motion of the Solicitor General, on behalf of the United States, for leave to participate in oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. Counsel for the petitioners and the respondent are also allotted an additional fifteen minutes to argue in this case.

No. 332. Fenelon Boesche, Administrator, etc., petitioner, *v.* Stewart L. Udall, Secretary of the Interior. The motion of The Rocky Mountain Oil and Gas Association for leave to present oral argument, as *amicus curiae*, is denied.

No. 661. Mississippi et al., petitioners, *v.* James Howard Meredith, etc. The motion of John C. Satterfield for leave to withdraw his appearance as counsel for the petitioners is granted.

CERTIORARI GRANTED

No. 407. Walter Humphrey, etc., et al., petitioners, *v.* C. W. Moore, etc., et al. Petition for writ of certiorari to the Court of Appeals of Kentucky granted and case placed on the summary calendar.

No. 408. General Drivers, Warehousemen and Helpers, Local Union No. 89, petitioner, *v.* C. W. Moore et al. Petition for writ of certiorari to the Court of Appeals of Kentucky granted and case placed on the summary calendar.

No. 569. Benjamin W. Corey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case placed on the summary calendar.

No. 618. Securities and Exchange Commission, petitioner, *v.* Capital Gains Research Bureau, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 778, **Misc.** Nathan Jackson, petitioner, *v.* Wilfred Denno, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the appellate docket.

CERTIORARI DENIED

No. 502. Kenneth C. Rains, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 616. Duncan Miller, petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 634. Joel McDaniel, petitioner, *v.* Campbell, Wyant & Cannon Foundry Company, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 637. William Lawrence Lemons et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 638. Jew Ten, etc., petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 640. Arnold E. Edens, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 642. Kansas City Transit, Inc., petitioner, *v.* Kansas City Terminal Railway Co. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 643. Nature Food Centres, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 644. American Stevedores, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 649. Manuel Silvas, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 651. Wisconsin et al., petitioners, *v.* Stewart Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 80, **Misc.** Edward Wakin, petitioner, *v.* Lawrence Keenan, Superintendent, Allegheny County Workhouse. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 546, **Misc.** Thomas C. Bush, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 566, **Misc.** Joe G. Martinez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 743, **Misc.** Hassie Cane Martin, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

REHEARINGS DENIED

No. 453. In re Harry J. Alker, Jr., petitioner;

No. 495. International Association of Machinists, AFL-CIO, et al., petitioners, *v.* Central Airlines, Inc.;

No. 510. Texas Carbonate Company, petitioner, *v.* R. L. Phinney, District Director of Internal Revenue; and

No. 522. United States District Court for the Western District of Oklahoma et al., petitioners, *v.* Otto G. Lutes et al. Petitions for rehearing denied.

No. 23, Misc., October Term, 1959. In the Matter of Disbarment of Harry J. Alker, Jr. Petition for rehearing denied. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of this application.

ORDER

Ordered:

1. That the Rules of Civil Procedure be, and they hereby are, amended by including therein Forms Number 30, 31 and 32, and the amendments to Rules 4, 5, 6, 7, 12, 13, 14, 15, 24, 25, 26, 28, 30, 41, 49, 50, 52, 56, 58, 71A, 77, 79, 81, and 86 and to Forms Number 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 18, 21, 22-A and 22-B, as hereinafter set forth:

RULE 4. PROCESS

(b) SAME: FORM. The summons shall be signed by the clerk, be under the seal of the court, contain the name of the court and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which these rules require the defendant to appear and defend, and shall notify him that in case of his failure to do so judgment by default will be rendered against him for the relief demanded in the complaint. When, under Rule 4(e), service is made pursuant to a statute or rule of court of a state, the summons, or notice, or order in lieu of summons shall correspond as nearly as may be to that required by the statute or rule.

(d) SUMMONS: PERSONAL SERVICE.

(4) Upon the United States, by delivering a copy of the summons and of the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court and by sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United

States at Washington, District of Columbia, and in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to such officer or agency.

(7) Upon a defendant of any class referred to in paragraph (1) or (3) of this subdivision of this rule, it is also sufficient if the summons and complaint are served in the manner prescribed by any statute of the United States or in the manner prescribed by the law of the state in which the district court is held for the service of summons or other like process upon any such defendant in an action brought in the courts of general jurisdiction of that state.

(e) **SAME: SERVICE UPON PARTY NOT INHABITANT OF OR FOUND WITHIN STATE.** Whenever a statute of the United States or an order of court thereunder provides for service of a summons, or of a notice, or of an order in lieu of summons upon a party not an inhabitant of or found within the state in which the district court is held, service may be made under the circumstances and in the manner prescribed by the statute or order, or, if there is no provision therein prescribing the manner of service, in a manner stated in this rule. Whenever a statute or rule of court of the state in which the district court is held provides (1) for service of a summons, or of a notice, or of an order in lieu of summons upon a party not an inhabitant of or found within the state, or (2) for service upon or notice to him to appear and respond or defend in an action by reason of the attachment or garnishment or similar seizure of his property located within the state, service may in either case be made under the circumstances and in the manner prescribed in the statute or rule.

(f) **TERRITORIAL LIMITS OF EFFECTIVE SERVICE.** All process other than a subpoena may be served anywhere within the territorial limits of the state in which the district court is held, and, when authorized by a statute of the United States or by these rules, beyond the territorial limits of that state. In addition, persons who are brought in as parties pursuant to Rule 13(h) or Rule 14, or as additional parties to a pending action pursuant to Rule 19, may be served in the manner stated in paragraphs (1)-(6) of subdivision (d) of this rule at all places outside the state but within the United States that are not more than 100 miles from the place in which the action is commenced, or to which it is assigned or transferred for trial; and persons required to respond to an order of commitment for civil contempt may be served at the same places. A subpoena may be served within the territorial limits provided in Rule 45.

(i) ALTERNATIVE PROVISIONS FOR SERVICE IN A FOREIGN COUNTRY.

(1) Manner. When the federal or state law referred to in subdivision (e) of this rule authorizes service upon a party not an inhabitant of or found within the state in which the district court is held, and service is to be effected upon the party in a foreign country, it is also sufficient if service of the summons and complaint is made: (A) in the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction; or (B) as directed by the foreign authority in response to a letter rogatory, when service in either case is reasonably calculated to give actual notice; or (C) upon an individual, by delivery to him personally, and upon a corporation or partnership or association, by delivery to an officer, a managing or general agent; or (D) by any form of mail, requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the party to be served; or (E) as directed by order of the court. Service under (C) or (E) above may be made by any person who is not a party and is not less than 18 years of age or who is designated by order of the district court or by the foreign court. On request, the clerk shall deliver the summons to the plaintiff for transmission to the person or the foreign court or officer who will make the service.

(2) Return. Proof of service may be made as prescribed by subdivision (g) of this rule, or by the law of the foreign country, or by order of the court. When service is made pursuant to subparagraph (1)(D) of this subdivision, proof of service shall include a receipt signed by the addressee or other evidence of delivery to the addressee satisfactory to the court.

RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) SERVICE: WHEN REQUIRED. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every written motion other than one which may be heard *ex parte*, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4.

RULE 6. TIME

(a) **COMPUTATION.** In computing any period of time prescribed or allowed by these rules, by the local rules of any district court, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule and in Rule 77(c), "legal holiday" includes New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or by the state in which the district court is held.

(b) **ENLARGEMENT.** When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rules 50(b), 52(b), 59(b), (d) and (e), 60(b), and 73 (a) and (g), except to the extent and under the conditions stated in them.

RULE 7. PLEADINGS ALLOWED; FORM OF MOTIONS

(a) **PLEADINGS.** There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

**RULE 12. DEFENSES AND OBJECTIONS—WHEN AND HOW PRESENTED—
BY PLEADING OR MOTION—MOTION FOR JUDGMENT ON
PLEADINGS**

(a) **WHEN PRESENTED.** A defendant shall serve his answer within 20 days after the service of the summons and complaint upon him.

except when service is made under Rule 4(e) and a different time is prescribed in the order of court under the statute of the United States or in the statute or rule of court of the state. A party served with a pleading stating a cross-claim against him shall serve an answer thereto within 20 days after the service upon him. The plaintiff shall serve his reply to a counterclaim in the answer within 20 days after service of the answer or, if a reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directs. The United States or an officer or agency thereof shall serve an answer to the complaint or to a cross-claim, or a reply to a counterclaim, within 60 days after the service upon the United States attorney of the pleading in which the claim is asserted. The service of a motion permitted under this rule alters these periods of time as follows, unless a different time is fixed by order of the court: (1) if the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 10 days after notice of the court's action; (2) if the court grants a motion for a more definite statement the responsive pleading shall be served within 10 days after the service of the more definite statement.

RULE 13. COUNTERCLAIM AND CROSS-CLAIM

(a) **COMPULSORY COUNTERCLAIMS.** A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. But the pleader need not state the claim if (1) at the time the action was commenced the claim was the subject of another pending action, or (2) the opposing party brought suit upon his claim by attachment or other process by which the court did not acquire jurisdiction to render a personal judgment on that claim, and the pleader is not stating any counterclaim under this Rule 13.

RULE 14. THIRD-PARTY PRACTICE

(a) **WHEN DEFENDANT MAY BRING IN THIRD PARTY.** At any time after commencement of the action a defendant, as a third-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff's claim against him. The third-party plaintiff need not obtain leave to make the service if he files the third-party complaint not later than 10 days after he serves his original answer. Otherwise he must obtain leave on motion upon notice to all parties to the action. The person served with the summons and third-party complaint, hereinafter called the third-party defendant, shall make his defenses to the third-party plaintiff's claim as provided in Rule 12

and his counterclaims against the third-party plaintiff and cross-claims against other third-party defendants as provided in Rule 13. The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant thereupon shall assert his defenses as provided in Rule 12 and his counterclaims and cross-claims as provided in Rule 13. Any party may move to strike the third-party claim, or for its severance or separate trial. A third-party defendant may proceed under this rule against any person not a party to the action who is or may be liable to him for all or part of the claim made in the action against the third-party defendant.

RULE 15. AMENDED AND SUPPLEMENTAL PLEADINGS

(d) SUPPLEMENTAL PLEADINGS. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Permission may be granted even though the original pleading is defective in its statement of a claim for relief or defense. If the court deems it advisable that the adverse party plead to the supplemental pleading, it shall so order, specifying the time therefor.

RULE 24. INTERVENTION

(c) PROCEDURE. A person desiring to intervene shall serve a motion to intervene upon the parties as provided in Rule 5. The motion shall state the grounds therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought. The same procedure shall be followed when a statute of the United States gives a right to intervene. When the constitutionality of an act of Congress affecting the public interest is drawn in question in any action to which the United States or an officer, agency, or employee thereof is not a party, the court shall notify the Attorney General of the United States as provided in Title 28, U.S.C., § 2403.

RULE 25. SUBSTITUTION OF PARTIES

(a) DEATH.

(1) If a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The motion for substitution may be made by any party or by the suc-

cessors or representatives of the deceased party and, together with the notice of hearing, shall be served on the parties as provided in Rule 5 and upon persons not parties in the manner provided in Rule 4 for the service of a summons, and may be served in any judicial district. Unless the motion for substitution is made not later than 90 days after the death is suggested upon the record by service of a statement of the fact of the death as provided herein for the service of the motion, the action shall be dismissed as to the deceased party.

RULE 26. DEPOSITIONS PENDING ACTION

(e) **OBJECTIONS TO ADMISSIBILITY.** Subject to the provisions of Rules 28(b) and 32(c), objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

RULE 28. PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

(b) **IN FOREIGN COUNTRIES.** In a foreign country, depositions may be taken (1) on notice before a person authorized to administer oaths in the place in which the examination is held, either by the law thereof or by the law of the United States, or (2) before a person commissioned by the court, and a person so commissioned shall have the power by virtue of his commission to administer any necessary oath and take testimony, or (3) pursuant to a letter rogatory. A commission or a letter rogatory shall be issued on application and notice and on terms that are just and appropriate. It is not requisite to the issuance of a commission or a letter rogatory that the taking of the deposition in any other manner is impracticable or inconvenient; and both a commission and a letter rogatory may be issued in proper cases. A notice or commission may designate the person before whom the deposition is to be taken either by name or descriptive title. A letter rogatory may be addressed "To the Appropriate Authority in [here name the country]." Evidence obtained in response to a letter rogatory need not be excluded merely for the reason that it is not a verbatim transcript or that the testimony was not taken under oath or for any similar departure from the requirements for depositions taken within the United States under these rules.

RULE 30. DEPOSITIONS UPON ORAL EXAMINATION

(f) **CERTIFICATION AND FILING BY OFFICER; COPIES; NOTICE OF FILING.**

(1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of the

action and marked "Deposition of [here insert name of witness]" and shall promptly file it with the court in which the action is pending or send it by registered or certified mail to the clerk thereof for filing.

RULE 41. DISMISSAL OF ACTIONS

(b) **INVOLUNTARY DISMISSAL: EFFECT THEREOF.** For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against him. After the plaintiff, in an action tried by the court without a jury, has completed the presentation of his evidence, the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the plaintiff, the court shall make findings as provided in Rule 52(a). Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction or for improper venue or for lack of an indispensable party, operates as an adjudication upon the merits.

RULE 49. SPECIAL VERDICTS AND INTERROGATORIES

(b) **GENERAL VERDICT ACCOMPANIED BY ANSWER TO INTERROGATORIES.** The court may submit to the jury, together with appropriate forms for a general verdict, written interrogatories upon one or more issues of fact the decision of which is necessary to a verdict. The court shall give such explanation or instruction as may be necessary to enable the jury both to make answers to the interrogatories and to render a general verdict, and the court shall direct the jury both to make written answers and to render a general verdict. When the general verdict and the answers are harmonious, the appropriate judgment upon the verdict and answers shall be entered pursuant to Rule 58. When the answers are consistent with each other but one or more is inconsistent with the general verdict, judgment may be entered pursuant to Rule 58 in accordance with the answers, notwithstanding the general verdict, or the court may return the jury for further consideration of its answers and verdict or may order a new trial. When the answers are inconsistent with each other and one or more is likewise inconsistent with the general verdict, judgment shall not be entered, but the court shall return the jury for further consideration of its answers and verdict or shall order a new trial.

RULE 50. MOTION FOR A DIRECTED VERDICT AND FOR JUDGMENT NOTWITHSTANDING THE VERDICT

(a) **MOTION FOR DIRECTED VERDICT: WHEN MADE; EFFECT.** A party who moves for a directed verdict at the close of the evidence offered by an opponent may offer evidence in the event that the motion is not granted, without having reserved the right so to do and to the same extent as if the motion had not been made. A motion for a directed verdict which is not granted is not a waiver of trial by jury even though all parties to the action have moved for directed verdicts. A motion for a directed verdict shall state the specific grounds therefor. The order of the court granting a motion for a directed verdict is effective without any assent of the jury.

(b) **MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT.** Whenever a motion for a directed verdict made at the close of all the evidence is denied or for any reason is not granted, the court is deemed to have submitted the action to the jury subject to a later determination of the legal questions raised by the motion. Not later than 10 days after entry of judgment, a party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; or if a verdict was not returned such party, within 10 days after the jury has been discharged, may move for judgment in accordance with his motion for a directed verdict. A motion for a new trial may be joined with his motion, or a new trial may be prayed for in the alternative. If a verdict was returned the court may allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as if the requested verdict had been directed. If no verdict was returned the court may direct the entry of judgment as if the requested verdict had been directed or may order a new trial.

(c) **SAME: CONDITIONAL RULINGS ON GRANT OF MOTION.**

(1) If the motion for judgment notwithstanding the verdict, provided for in subdivision (b) of this rule, is granted, the court shall also rule on the motion for a new trial, if any, by determining whether it should be granted if the judgment is thereafter vacated or reversed, and shall specify the grounds for granting or denying the motion for the new trial. If the motion for a new trial is thus conditionally granted, the order thereon does not affect the finality of the judgment. In case the motion for a new trial has been conditionally granted and the judgment is reversed on appeal, the new trial shall proceed unless the appellate court has otherwise ordered. In case the motion for a new trial has been conditionally denied, the appellee on appeal may assert error in that denial; and if the judgment is reversed on appeal, subse-

quent proceedings shall be in accordance with the order of the appellate court.

(2) The party whose verdict has been set aside on motion for judgment notwithstanding the verdict may serve a motion for a new trial pursuant to Rule 59 not later than 10 days after entry of the judgment notwithstanding the verdict.

(d) **SAME: DENIAL OF MOTION.** If the motion for judgment notwithstanding the verdict is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling him to a new trial in the event the appellate court concludes that the trial court erred in denying the motion for judgment notwithstanding the verdict. If the appellate court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.

RULE 52. FINDINGS BY THE COURT

(a) **EFFECT.** In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon, and judgment shall be entered pursuant to Rule 58; and in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of its action. Requests for findings are not necessary for purposes of review. Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge of the credibility of the witnesses. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact and conclusions of law appear therein. Findings of facts and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 or any other motion except as provided in Rule 41(b).

RULE 56. SUMMARY JUDGMENT

(c) **MOTION AND PROCEEDINGS THEREON.** The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(e) **FORM OF AFFIDAVITS; FURTHER TESTIMONY; DEFENSE REQUIRED.** Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

RULE 58. ENTRY OF JUDGMENT

Subject to the provisions of Rule 54(b): (1) upon a general verdict of a jury, or upon a decision by the court that a party shall recover only a sum certain or costs or that all relief shall be denied, the clerk, unless the court otherwise orders, shall forthwith prepare, sign, and enter the judgment without awaiting any direction by the court; (2) upon a decision by the court granting other relief, or upon a special verdict or a general verdict accompanied by answers to interrogatories, the court shall promptly approve the form of the judgment, and the clerk shall thereupon enter it. Every judgment shall be set forth on a separate document. A judgment is effective only when so set forth and when entered as provided in Rule 79(a). Entry of the judgment shall not be delayed for the taxing of costs. Attorneys shall not submit forms of judgment except upon direction of the court, and these directions shall not be given as a matter of course.

RULE 71A. CONDEMNATION OF PROPERTY

(d) PROCESS.

(3) Service of Notice.

(i) **Personal service.** Personal service of the notice (but without copies of the complaint) shall be made in accordance with Rule 4 (c) and (d) upon a defendant who resides within the United States or its territories or insular possessions and whose residence is known.

RULE 77. DISTRICT COURTS AND CLERKS

(c) **CLERK'S OFFICE AND ORDERS BY CLERK.** The clerk's office with the clerk or a deputy in attendance shall be open during business hours on all days except Saturdays, Sundays, and legal holidays, but a district court may provide by local rule or order that its clerk's office shall be open for specified hours on Saturdays or particular legal

holidays other than New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day. All motions and applications in the clerk's office for issuing mesne process, for issuing final process to enforce and execute judgments, for entering defaults or judgments by default, and for other proceedings which do not require allowance or order of the court are grantable of course by the clerk; but his action may be suspended or altered or rescinded by the court upon cause shown.

(d) NOTICE OF ORDERS OR JUDGMENTS. Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by mail in the manner provided for in Rule 5 upon each party who is not in default for failure to appear, and shall make a note in the docket of the mailing. Such mailing is sufficient notice for all purposes for which notice of the entry of an order is required by these rules; but any party may in addition serve a notice of such entry in the manner provided in Rule 5 for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted in Rule 73(a).

RULE 79. BOOKS AND RECORDS KEPT BY THE CLERK AND ENTRIES THEREIN

(a) CIVIL DOCKET. The clerk shall keep a book known as "civil docket" of such form and style as may be prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States, and shall enter therein each civil action to which these rules are made applicable. Actions shall be assigned consecutive file numbers. The file number of each action shall be noted on the folio of the docket whereon the first entry of the action is made. All papers filed with the clerk, all process issued and returns made thereon, all appearances, orders, verdicts, and judgments shall be entered chronologically in the civil docket on the folio assigned to the action and shall be marked with its file number. These entries shall be brief but shall show the nature of each paper filed or writ issued and the substance of each order or judgment of the court and of the returns showing execution of process. The entry of an order or judgment shall show the date the entry is made. When in an action trial by jury has been properly demanded or ordered the clerk shall enter the word "jury" on the folio assigned to that action.

RULE 81. APPLICABILITY IN GENERAL

(a) TO WHAT PROCEEDINGS APPLICABLE.

(4) These rules do not alter the method prescribed by the Act of February 18, 1922, c. 57, § 2 (42 Stat. 388), U.S.C., Title 7,

§ 292; or by the Act of June 10, 1930, c. 436, § 7 (46 Stat. 534), as amended, U.S.C., Title 7, § 499g(c), for instituting proceedings in the United States district courts to review orders of the Secretary of Agriculture; or prescribed by the Act of June 25, 1934, c. 742, § 2 (48 Stat. 1214), U.S.C., Title 15, § 522, for instituting proceedings to review orders of the Secretary of the Interior; or prescribed by the Act of February 22, 1935, c. 18, § 5 (49 Stat. 31), U.S.C., Title 15, § 715d(c), as extended, for instituting proceedings to review orders of petroleum control boards; but the conduct of such proceedings in the district courts shall be made to conform to these rules so far as applicable.

(6) These rules apply to proceedings for enforcement or review of compensation orders under the Longshoremen's and Harbor Workers' Compensation Act, Act of March 4, 1927, c. 509, §§ 18, 21 (44 Stat. 1434, 1436), as amended, U.S.C., Title 33, §§ 918, 921, except to the extent that matters of procedure are provided for in that Act. The provisions for service by publication and for answer in proceedings to cancel certificates of citizenship under the Act of June 27, 1952, c. 477, Title III, c. 2, § 340 (66 Stat. 260), U.S.C., Title 8, § 1451, remain in effect.

(c) **REMOVED ACTIONS.** These rules apply to civil actions removed to the United States district courts from the state courts and govern procedure after removal. Repleading is not necessary unless the court so orders. In a removed action in which the defendant has not answered, he shall answer or present the other defenses or objections available to him under these rules within 20 days after the receipt through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based, or within 20 days after the service of summons upon such initial pleading, then filed, or within 5 days after the filing of the petition for removal, whichever period is longest. If at the time of removal all necessary pleadings have been served, a party entitled to trial by jury under Rule 38 shall be accorded it, if his demand therefor is served within 10 days after the petition for removal is filed if he is the petitioner, or if he is not the petitioner within 10 days after service on him of the notice of filing the petition. A party who, prior to removal, has made an express demand for trial by jury in accordance with state law, need not make a demand after removal. If state law applicable in the court from which the case is removed does not require the parties to make express demands in order to claim trial by jury, they need not make demands after removal unless the court directs that they do so within a specified time if they desire to claim trial by jury. The court may make this direction on its own motion and shall do so as a matter of course at the request of any party. The

failure of a party to make demand as directed constitutes a waiver by him of trial by jury.

(f) REFERENCES TO OFFICER OF THE UNITED STATES. Under any rule in which reference is made to an officer or agency of the United States, the term "officer" includes a district director of internal revenue, a former district director or collector of internal revenue, or the personal representative of a deceased district director or collector of internal revenue.

FORM 3. COMPLAINT ON A PROMISSORY NOTE

1. Allegation of jurisdiction.

2. Defendant on or about June 1, 1935, executed and delivered to plaintiff a promissory note [in the following words and figures: (here set out the note verbatim)]; [a copy of which is hereto annexed as Exhibit A]; [whereby defendant promised to pay to plaintiff or order on June 1, 1936 the sum of ----- dollars with interest thereon at the rate of six percent. per annum].

3. Defendant owes to plaintiff the amount of said note and interest.

Wherefore plaintiff demands judgment against defendant for the sum of ----- dollars, interest, and costs.

Signed: -----

Attorney for Plaintiff.

Address: -----

[Explanatory Note unchanged.]

FORM 4. COMPLAINT ON AN ACCOUNT

1. Allegation of jurisdiction.

2. Defendant owes plaintiff ----- dollars according to the account hereto annexed as Exhibit A.

Wherefore (etc. as in Form 3).

FORM 5. COMPLAINT FOR GOODS SOLD AND DELIVERED

1. Allegation of jurisdiction.

2. Defendant owes plaintiff ----- dollars for goods sold and delivered by plaintiff to defendant between June 1, 1936 and December 1, 1936.

Wherefore (etc. as in Form 3.)

[Explanatory Note unchanged.]

FORM 6. COMPLAINT FOR MONEY LENT

1. Allegation of jurisdiction.
2. Defendant owes plaintiff ----- dollars for money lent by plaintiff to defendant on June 1, 1936.
Wherefore (etc. as in Form 3).

FORM 7. COMPLAINT FOR MONEY PAID BY MISTAKE

1. Allegation of jurisdiction.
2. Defendant owes plaintiff ----- dollars for money paid by plaintiff to defendant by mistake on June 1, 1936, under the following circumstances: [here state the circumstances with particularity—see Rule 9(b)].
Wherefore (etc. as in Form 3).

FORM 8. COMPLAINT FOR MONEY HAD AND RECEIVED

1. Allegation of jurisdiction.
2. Defendant owes plaintiff ----- dollars for money had and received from one G. H. on June 1, 1936, to be paid by defendant to plaintiff.
Wherefore (etc. as in Form 3).

FORM 9. COMPLAINT FOR NEGLIGENCE

[Amend the "Wherefore" clause to read as follows:]

Wherefore plaintiff demands judgment against defendant in the sum of ----- dollars and costs.

FORM 10. COMPLAINT FOR NEGLIGENCE WHERE PLAINTIFF IS UNABLE TO DETERMINE DEFINITELY WHETHER THE PERSON RESPONSIBLE IS C. D. OR E. F. OR WHETHER BOTH ARE RESPONSIBLE AND WHERE HIS EVIDENCE MAY JUSTIFY A FINDING OF WILFULNESS OR OF RECKLESSNESS OR OF NEGLIGENCE

[Amend the "Wherefore" clause to read as follows:]

Wherefore plaintiff demands judgment against C. D. or against E. F. or against both in the sum of ----- dollars and costs.

FORM 11. COMPLAINT FOR CONVERSION

1. Allegation of jurisdiction.
2. On or about December 1, 1936, defendant converted to his own use ten bonds of the ----- Company (here insert brief identification as by number and issue) of the value of ----- dollars, the property of plaintiff.
Wherefore plaintiff demands judgment against defendant in the sum of ----- dollars, interest, and costs.

FORM 12. COMPLAINT FOR SPECIFIC PERFORMANCE OF CONTRACT TO
CONVEY LAND

[Amend the "Wherefore" clause to read as follows:]

Wherefore plaintiff demands (1) that defendant be required specifically to perform said agreement, (2) damages in the sum of one thousand dollars, and (3) that if specific performance is not granted plaintiff have judgment against defendant in the sum of ----- dollars.

FORM 13. COMPLAINT ON CLAIM FOR DEBT AND TO SET ASIDE FRAUDU-
LENT CONVEYANCE UNDER RULE 18(b)

[Amend the "Wherefore" clause to read as follows:]

Wherefore plaintiff demands:

(1) That plaintiff have judgment against defendant C. D. for ----- dollars and interest; (2) that the aforesaid conveyance to defendant E. F. be declared void and the judgment herein be declared a lien on said property; (3) that plaintiff have judgment against the defendants for costs.

FORM 16. COMPLAINT FOR INFRINGEMENT OF PATENT

[Amend the "Wherefore" clause to read as follows:]

Wherefore plaintiff demands a preliminary and final injunction against continued infringement, an accounting for damages, and an assessment of interest and costs against defendant.

FORM 18. COMPLAINT FOR INTERPLEADER AND DECLARATORY RELIEF

[Amend the second paragraph of the complaint to read as follows:]

2. On or about June 1, 1935, plaintiff issued to G. H. a policy of life insurance whereby plaintiff promised to pay to K. L. as beneficiary the sum of ----- dollars upon the death of G. H. The policy required the payment by G. H. of a stipulated premium on June 1, 1936, and annually thereafter as a condition precedent to its continuance in force.

FORM 21. ANSWER TO COMPLAINT SET FORTH IN FORM 8, WITH COUN-
TERCLAIM FOR INTERPLEADER

[Amend the first paragraph of the Counterclaim for Interpleader to read as follows:]

1. Defendant received the sum of ----- dollars as a deposit from E.F.

FORM 22-A. SUMMONS AND COMPLAINT AGAINST THIRD-PARTY DE-
FENDANT

[The contents of Form 22 are eliminated down to and including the words "Exhibit A," thus eliminating the motion and notice of motion.]

United States District Court for the Southern District of New York

Civil Action, File Number -----

A.B., Plaintiff <i>v.</i> C.D., Defendant and Third-Party Plaintiff <i>v.</i> E.F., Third-Party Defendant	}	Summons
--	---	---------

To the above-named Third-Party Defendant:

You are hereby summoned and required to serve upon -----, plaintiff's attorney whose address is -----, and upon -----, who is attorney for C.D., defendant and third-party plaintiff, and whose address is -----, an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff which you may but are not required to answer.

Clerk of Court.

[Seal of District Court]

Dated -----

United States District Court for the Southern District of New York

Civil Action, File Number -----

A.B., Plaintiff <i>v.</i> C.D., Defendant and Third-Party Plaintiff <i>v.</i> E.F., Third-Party Defendant	}	Third-Party Complaint
--	---	-----------------------

1. Plaintiff A.B. has filed against defendant C.D. a complaint, a copy of which is hereto attached as "Exhibit A."

2. (Here state the grounds upon which C.D. is entitled to recover from E.F., all or part of what A.B. may recover from C.D. The statement should be framed as in an original complaint.)

Wherefore C.D. demands judgment against third-party defendant E.F. for all sums¹ that may be adjudged against defendant C.D. in favor of plaintiff A.B.

Signed: _____
Attorney for C.D., Third-Party Plaintiff.
 Address: _____

FORM 22-B. MOTION TO BRING IN THIRD-PARTY DEFENDANT

Defendant moves for leave, as third-party plaintiff, to cause to be served upon E.F. a summons and third-party complaint, copies of which are hereto attached as Exhibit X.

Signed: _____
Attorney for Defendant C.D.

Address: _____

Notice of Motion

(Contents the same as in Form 19. The notice should be addressed to all parties to the action.)

Exhibit X

(Contents the same as in Form 22-A.)

FORM 30. SUGGESTION OF DEATH UPON THE RECORD UNDER RULE 25(a)(1)

[NEW]

A.B. [describe as a party, or as executor, administrator, or other representative or successor of C.D., the deceased party] suggests upon the record, pursuant to Rule 25(a)(1), the death of C.D. [describe as party] during the pendency of this action.

FORM 31. JUDGMENT ON JURY VERDICT

[NEW]

United States District Court for the
 Southern District of New York
 Civil Action, File Number_____

A.B., Plaintiff	}	Judgment
<i>v.</i>		
C.D., Defendant		

¹ Make appropriate change where C. D. is entitled to only partial recovery-over against E. F.

This action came on for trial before the Court and a jury, Honorable John Marshall, District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict,

It is Ordered and Adjudged

[that the plaintiff A.B. recover of the defendant C.D. the sum of _____, with interest thereon at the rate of ____ per cent as provided by law, and his costs of action.]

[that the plaintiff take nothing, that the action be dismissed on the merits, and that the defendant C.D. recover of the plaintiff A.B. his costs of action.]

Dated at New York, New York, this _____ day of _____, 19__.

Clerk of Court.

EXPLANATORY NOTE

1. This Form is illustrative of the judgment to be entered upon the general verdict of a jury. It deals with the cases where there is a general jury verdict awarding the plaintiff money damages or finding for the defendant, but is adaptable to other situations of jury verdicts.

2. The clerk, unless the court otherwise orders, is required forthwith to prepare, sign, and enter the judgment upon a general jury verdict without awaiting any direction by the court. The form of the judgment upon a special verdict or a general verdict accompanied by answers to interrogatories shall be promptly approved by the court, and the clerk shall thereupon enter it. See Rule 58, as amended.

3. The Rules contemplate a simple judgment promptly entered. See Rule 54(a). Every judgment shall be set forth on a separate document. See Rule 58, as amended.

4. Attorneys are not to submit forms of judgment unless directed in exceptional cases to do so by the court. See Rule 58, as amended.

FORM 32. JUDGMENT ON DECISION BY THE COURT

[NEW]

United States District Court for the Southern District of New York

Civil Action, File Number _____.

A.B., Plaintiff	}	Judgment
v.		
C.D., Defendant		

This action came on for [trial] [hearing] before the Court, Honorable John Marshall, District Judge, presiding, and the issues having been duly [tried] [heard] and a decision having been duly rendered, It is Ordered and Adjudged

[that the plaintiff A. B. recover of the defendant C. D. the sum of -----, with interest thereon at the rate of ---- per cent as provided by law, and his costs of action.]

[that the plaintiff take nothing, that the action be dismissed on the merits, and that the defendant C. D. recover of the plaintiff A. B. his costs of action.]

Dated at New York, New York, this ----- day of -----, 19-----.

Clerk of Court.

EXPLANATORY NOTE

1. This Form is illustrative of the judgment to be entered upon a decision of the court. It deals with the cases of decisions by the court awarding a party only money damages or costs, but is adaptable to other decisions by the court.

2. The clerk, unless the court otherwise orders, is required forthwith, without awaiting any direction by the court, to prepare, sign, and enter the judgment upon a decision by the court that a party shall recover only a sum certain or costs or that all relief shall be denied. The form of the judgment upon a decision by the court granting other relief shall be promptly approved by the court, and the clerk shall thereupon enter it. See Rule 58, as amended.

3. See also paragraphs 3-4 of the Explanatory Note to Form 31.

RULE 86. EFFECTIVE DATE

(e) EFFECTIVE DATE OF AMENDMENTS. The amendments adopted by the Supreme Court on January 21, 1963, and transmitted to the Congress on -----, 1963, shall take effect on -----, 1963. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

2. That the Chief Justice be authorized to transmit these amendments to Congress in accordance with the provisions of Title 28, U.S.C., Sec. 2072.

STATEMENT OF MR. JUSTICE BLACK AND MR. JUSTICE DOUGLAS ON THE
RULES OF CIVIL PROCEDURE AND THE PROPOSED AMENDMENTS

Mr. Justice Black and Mr. Justice Douglas are opposed to the submission of these rules¹ to the Congress under a statute which permits them to "take effect" and to repeal "all laws in conflict with such rules" without requiring any affirmative consideration, action, or approval of the rules by Congress or by the President.² We believe that while some of the Rules of Civil Procedure are simply housekeeping details,³ many determine matters so substantially affecting the rights of litigants in law suits that in practical effect they are the equivalent of new legislation which, in our judgment, the Constitution requires to be initiated in and enacted by the Congress⁴ and approved by the President.⁵ The Constitution, as we read it, provides that all laws shall be enacted by the House, the Senate, and the President, not by the mere failure of Congress to reject proposals of an outside agency. Even were there not this constitutional limitation, the authorizing statute itself qualifies this Court's power by imposing upon it a solemn responsibility not to submit rules that "abridge, enlarge or modify any substantive right" and by specifically charging the Court with the duty to "preserve the right to trial by jury as at common law and as declared by the Seventh Amendment to the Constitution."⁶ Our chief objections to the rules relate essentially to the fact that many of their provisions do "abridge, enlarge or modify" substantive rights and do not "preserve the right to trial by jury" but actually encroach upon it.

(1) Rule 50(a) is amended by making the order of a judge granting a motion for a directed verdict effective without submitting the question to the jury at all. It was pointed out in *Galloway v. United States*, 319 U.S. 372, 396, 401-407 (dissenting opinion), how judges have whittled away or denied the right of trial by jury through the devices of directed verdicts and judgments notwithstanding ver-

¹ See our earlier statements in 368 U.S. 1012-1014 and 346 U.S. 946-947.

² 28 U.S.C. § 2072 gives this Court the power to prescribe rules of practice and procedure for Federal District Courts and further provides that such rules

"shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported.

"All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect."

³ See 368 U.S. 1012.

⁴ "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." U. S. Const., Art. I, § 1.

⁵ "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; * * *." U. S. Const., Art. I, § 7.

⁶ 28 U. S. C., § 2072.

dicts. Although the amendment here is not itself a momentous one, it gives formal sanction to the process by which the courts have been wresting from juries the power to render verdicts. Since we do not approve of this sapping of the Seventh Amendment's guarantee of a jury trial, we cannot join even this technical *coup de grace*.

(b) The proposed amendment to 50(c) in practical effect vests appellate courts with more power than they have had to grant or deny new trials. The Court in *Cone v. West Virginia Pulp & Paper Co.*, 330 U.S. 212, 217-218, and *Globe Liquor Co. v. San Roman*, 332 U.S. 571, refused to construe the federal rules then existing to allow Courts of Appeals to interfere with trial judges' discretion to grant new trials. To the extent that jury verdicts are to be set aside and new trials granted, we believe that those who hear the evidence, the trial judges, are the ones who should primarily exercise such discretion.

(c) The proposed amendment to Rule 56(e) imposes additional burdens upon litigants to protect against summary judgments rendered without hearing evidence on the part of witnesses who are confronted by the persons against whom they testify so that these persons can subject the witnesses to cross-examination. The summary judgment procedure, while justified in some cases, is made a handy instrument to let judges rather than juries try law suits and to let those judges try cases not on evidence of witnesses subjected to cross-examination but on *ex parte* affidavits obtained by parties. Most trial lawyers would agree, we think, that a litigant can frequently obtain in an actual trial favorable testimony which could not have been secured by affidavits or even by depositions.

(d) If there are to be amendments, Rule 49 should be repealed. That rule authorizes judges to require juries to return "only a special verdict in the form of a special written finding upon each issue of fact" or to answer "written interrogatories upon one or more issues of fact the decision of which is necessary to a verdict" in addition to rendering the general verdict. Such devices are used to impair or wholly take away the power of a jury to render a general verdict. One of the ancient, fundamental reasons for having general jury verdicts was to preserve the right of trial by jury as an indispensable part of a free government. Many of the most famous constitutional controversies in England revolved around litigants' insistence, particularly in seditious libel cases, that a jury had the right to render a general verdict without being compelled to return a number of subsidiary findings to support its general verdict. Some English jurors had to go to jail because they insisted upon their right to render general verdicts over the repeated commands of tyrannical judges not to do so. Rule 49 is but another means utilized by courts to weaken the constitutional power of juries and to vest judges with more power to

decide cases according to their own judgments. A scrutiny of the special verdict and written interrogatory cases in appellate courts will show the confusion that necessarily results from the employment of these devices and the ease with which judges can use them to take away the right to trial by jury. We believe that Rule 49 be repealed, not amplified.

(2) There is a proposal to amend Rule 41, which provides for dismissal of actions. We believe that, if the Rules are to be changed, a major amendment to this rule is required in the interest of justice. Before dismissing a plaintiff's action for failure of his lawyer to prosecute, the trial judge should be required to have notice served on the plaintiff himself. The hardship that can result from the absence of such requirement is shown by *Link v. Wabash R. Co.*, 370 U.S. 626. Link's lawyer failed to appear in response to a judge's order for a pre-trial conference, and the judge dismissed the case. As pointed out in the dissent, plaintiff had been severely injured, and a fair system of justice should not have penalized him because his lawyer, through neglect or any other reason, failed to appear when ordered. It would do a defendant no injury for the court to refuse to dismiss any apparently bona fide case until the plaintiff has actually had notice that some failure of his lawyer has irked the judge.

(3) Mr. Justice Black and Mr. Justice Douglas object to the changes in Rule 4, which for the first time permit a Federal District Court to obtain jurisdiction over a defendant by service of process outside the state or over his property by garnishment or attachment, under the circumstances and in the manner prescribed by state law. Those changes will apparently have little effect insofar as "federal question" litigation is concerned, since 28 U.S.C. § 1391(b) requires such suits to be brought "only in the judicial district where all defendants reside * * *." Diversity actions, however, may be greatly increased, for the effect of proposed 4(e) is not limited to suits authorized by such statutes as the Federal Interpleader Act, 28 U.S.C. § 1335. See Advisory Committee Rept., 5-8; 28 U.S.C. § 1391(a); Fed. Rules Civ. Proc. 1. We see no justification for an increase in the number of diversity cases. We also see no reason why the extent of a Federal District Court's personal jurisdiction should depend upon the existence or nonexistence of a state "long-arm" statute. Moreover, at present a state court action commenced by attachment or garnishment can get into a District Court only if a nonresident defendant chooses to appear and remove the case, see 28 U.S.C. § 1441, and there is no good reason, **absent a congressional finding, why this should be changed.**

Instead of recommending changes to the present Rules, we recommend that the statute authorizing this Court to prescribe Rules of Civil Procedure, if it is to remain a law, be amended to place the

responsibility upon the Judicial Conference rather than upon this Court. Since the statute was first enacted in 1934, 48 Stat. 1064, the Judicial Conference has been enlarged and improved and is now very active in its surveillance of the work of the federal courts and in recommending appropriate legislation to Congress. The present Rules produced under 28 U.S.C. § 2072 are not prepared by us but by Committees of the Judicial Conference designated by the Chief Justice, and before coming to us they are approved by the Judicial Conference pursuant to 28 U.S.C. § 331.⁷ The Committees and the Conference are composed of able and distinguished members and they render a high public service. It is they, however, who do the work, not we, and the rules have only our imprimatur. The only contribution that we actually make is an occasional exercise of a veto power. If the rule-making for Federal District Courts is to continue under the present plan, we believe that the Supreme Court should not have any part in the task; rather, the statute should be amended to substitute the Judicial Conference. The Judicial Conference can participate more actively in fashioning the rules and affirmatively contribute to their content and design better than we can. Transfer of the function to the Judicial Conference would relieve us of the embarrassment of having to sit in judgment on the constitutionality of rules which we have approved and which as applied in given situations might have to be declared invalid.

Adjourned until Monday, February 18, 1963, at 10 o'clock.

The day call for Monday, February 18, 1963, will be as follows:
Nos. 65, 288, 180, and 9.

⁷ "The Conference shall also carry on a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use as prescribed by the Supreme Court for the other courts of the United States pursuant to law. Such changes in and additions to those rules as the Conference may deem desirable to promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expense and delay shall be recommended by the Conference from time to time to the Supreme Court for its consideration and adoption, modification or rejection, in accordance with law."

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Beryl Harold Weiner, of Atlanta, Ga., Edwin M. Sigel, of Dallas, Tex., Daniel J. Leahy, of Chicago, Ill., Robert Wright Houseal, Jr., of Pasadena, Calif., Mark R. Joelson, of Washington, D.C., Protogoras Dimitrios Maktos, of Washington, D.C., Norman Sepenuk, of Washington, D.C., James A. Dorsch, of Potomac, Md., and John F. Murray, of Elmira, N.Y., on motion of Mr. Solicitor General Archibald Cox; James W. Johnson, Jr., of Reno, Nev., and George Lohse, of Reno, Nev., on motion of Mr. Alan Bible; Frank B. Parsons, of Fairfield, Ala., on motion of Mr. George Huddleston, Jr.; A. Frederick Costanzo, of North Valley Stream, N.Y., on motion of Mr. John W. Wydler; Ralph A. Harper, of San Fernando, Calif., on motion of Mr. James C. Corman; Frederick Gary Dutton, of San Mateo, Calif., on motion of Mr. William H. Orrick, Jr.; William A. Delano, of Brooklyn, N.Y., on motion of Mr. A. Leon Higgenbotham; Nonald J. Lewis, of Milwaukee, Wis., and John M. Swietlik, of Milwaukee, Wis., on motion of Mr. Joseph F. Spaniol, Jr.; Bertram Royce Russell, of Philadelphia, Pa., on motion of Mr. Charles B. McInnis; Raymond J. Burke, of New York, N.Y., and James L. Daly, of New York, N.Y., on motion of Mr. Richard J. Lally; William Howard Billings, of Kennett, Mo., on motion of Mr. Richard S. T. Marsh; Marilyn G. Rose, of Washington, D.C., on motion of Mr. John H. Fanning; Pauline Teitelbaum, of New York, N.Y., and Morris Teitelbaum, of New York, N.Y., on motion of Mr. Abraham Teitelbaum; Arthur E. Pettit, of New York, N.Y., on motion of Mr. Samuel H. Horne; Joseph M. Donovan, of New York, N.Y., on motion of Mr. Thomas Murray Knebel; Carl Gordon Meyers, of Dearborn, Mich., on motion of Mr. Douglas Wilber Metz; Weldon Horatio Berry, of Houston, Tex., and Buck C. Miller, of Houston, Tex., on motion of Mr. Charles N. Johnston; Gerard P. Fleischut, of Memphis, Tenn., on motion of Mr. John G. Wayman; Alex Denenholz, of Brooklyn, N.Y., on motion of Mr. John Dillon Fitzgerald; Elton R. Hutchison, of Dallas, Tex., on motion of Mr. Robert E. Herzstein; Henry Conrad Adami, of Bozeman, Mont., on motion of Mr. Eldon H. Crowell; William A. Metz, of New York, N.Y., and Frederick Bernard Dean,

of Washington, D.C., on motion of Mr. Isaiah Guyman Martin; H. Bemis Lawrence, of Louisville, Ky., on motion of Mr. Charles M. Noone; Alfred Merle Sessions, of San Bernardino, Calif., on motion of Mr. Donald J. Mulvihill; Moses Krislov, of Cleveland, Ohio, on motion of Mr. John Maktos; and Melville Owen, of San Francisco, Calif., on motion of Mr. Boynton P. Livingston, were admitted to practice.

OPINIONS

No. 2. Robert F. Kennedy, Attorney General of the United States, appellant, *v.* Francisco Mendoza-Martinez. Appeal from the United States District Court for the Southern District of California; and

No. 3. Dean Rusk, Secretary of State, appellant, *v.* Joseph Henry Cort. Appeal from the United States District Court for the District of Columbia. Judgments affirmed. Opinion by Mr. Justice Goldberg. Mr. Justice Douglas and Mr. Justice Black, while joining the opinion of the Court, adhere to the views expressed in the dissent of Mr. Justice Douglas, in which Mr. Justice Black joined, in *Perez v. Brownell*, 356 U.S. 44, 79. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice White joins.

No. 76. James Gallick, petitioner, *v.* The Baltimore and Ohio Railroad Company. On writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County. Judgment reversed and case remanded to the Court of Appeals of Ohio, Cuyahoga County, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart and Mr. Justice Goldberg.

No. 80. Mark E. Schlude et al., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment affirmed in part and reversed in part and case remanded to the Court of Appeals with directions to return the case to the Tax Court for a redetermination of the proper income tax deficiencies now due in light of the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Goldberg join.

No. 118. Bantam Books, Inc., et al., appellants, *v.* Joseph A. Sullivan et al. Appeal from the Superior Court of Rhode Island. Judgment reversed and case remanded to the ~~Superior~~ ^{Superior} Court of Rhode Island for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas. Opinion by Mr. Justice Clark concurring in the result. Dissenting opinion by Mr. Justice Harlan.

No. 62. Northern Natural Gas Company, appellant, *v.* State Corporation Commission of the State of Kansas. Appeal from the Supreme Court of Kansas. Judgment reversed and case remanded to the Supreme Court of Kansas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart and Mr. Justice Goldberg join. Mr. Justice White took no part in the consideration or decision of this case.

No. 21. United States, petitioner, *v.* Don Gilmore et al. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Black and Mr. Justice Douglas dissent.

No. 22. United States, petitioner, *v.* Talbot Patrick et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of South Carolina for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Black and Mr. Justice Douglas dissent.

No. 107. Frank W. McCulloch, Chairman, and Philip Ray Rodgers, et al., Members, National Labor Relations Board, petitioners, *v.* Sociedad Nacional de Marineros de Honduras. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit;

No. 91. Ivan C. McLeod, Regional Director for the Second Region of the National Labor Relations Board, petitioner, *v.* Empresa Hondurena de Vapores, S.A.; and

No. 93. National Maritime Union of America, AFL-CIO, petitioner, *v.* Empresa Hondurena de Vapores, S.A. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the United States District Court for the District of Columbia in No. 107 affirmed. Judgment in Nos. 91 and 93 vacated and cases remanded to that court with instructions to remand to the United States District Court for the Southern District of New York for dismissal of the complaint in light of the decision in No. 107. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Douglas. Mr. Justice Goldberg took no part in the consideration or decision of these cases.

No. 33. Inces Steamship Company, Ltd., petitioner, *v.* International Maritime Workers Union et al. On writ of certiorari to the Court of Appeals of New York. Judgment vacated and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court in this case and in No.

and -v- No. 33

107. Opinion by Mr. Justice Clark. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 18. United States, appellant, *v.* National Dairy Products Corp. et al. Appeal from the United States District Court for the Western District of Missouri. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Stewart and Mr. Justice Goldberg join.

No. 104. New Jersey et al., appellants, *v.* New York, Susquehanna and Western Railroad Company. Appeal from the United States District Court for the District of New Jersey. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

No. 59. A. J. Simler, petitioner, *v.* Leslie E. Conner. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 251. Angelika L. Schneider, petitioner, *v.* Dean Rusk, etc. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments vacated and case remanded to the United States District Court for the District of Columbia for expeditious action consistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 635. The Board of County Commissioners of the County of Jefferson, State of Colorado, et al., appellants, *v.* The City and County of Denver, State of Colorado, et al. Appeal from the Supreme Court of Colorado. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice White took no part in the consideration or decision of this case.

No. 647. King County, etc., et al., appellants, *v.* F. L. Hartung Glass Company, Inc. Appeal from the Supreme Court of Washington. The motion to dismiss is granted and the appeal is dismissed.

Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 650. Anthony Chupka et al., appellants, *v.* Lorenz-Schneider Company, Inc., et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 656. George W. Sheldon et al., appellants, *v.* Paul Fannin et al. Appeal from the United States District Court for the District of Arizona. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 706. Chester Rudnicki, appellant, *v.* Gilbert W. Cox et al. Appeal from the United States District Court for the District of Massachusetts. The appeal is dismissed. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 12, **Original.** State of Hawaii, plaintiff, *v.* Kermit Gordon. The motion of the plaintiff to advance is granted and the case is set for argument on Monday, April 15, 1963. Mr. Justice White took no part in the consideration or decision of this motion.

No. 97. The Baltimore & Ohio Railroad Company et al., appellants, *v.* Boston and Maine Railroad et al.;

No. 98. Maryland Port Authority et al., appellants, *v.* Boston and Maine Railroad et al.; and

No. 99. Interstate Commerce Commission, appellant, *v.* Boston and Maine Railroad et al. The motion of John H. Colgren for leave to withdraw his appearance as counsel for appellees is granted. The motion for enlargement of time for oral argument is granted and an additional 45 minutes are allotted to each side. Mr. Justice White took no part in the consideration or decision of these motions.

No. 108. Interstate Commerce Commission, appellant, *v.* The New York, New Haven and Hartford Railroad Company, et al.;

No. 109. Sea-Land Service, Inc., appellant, *v.* The New York, New Haven and Hartford Railroad Company, et al.;

No. 110. Seatrain Lines, Inc., appellant, *v.* New York, New Haven and Hartford Railroad Company, et al.; and

No. 125. United States, appellant, *v.* New York, New Haven and Hartford Railroad Company, et al. The motion of the appellants for an allotment of additional time for oral argument is granted and 30 minutes are allotted for that purpose. ~~Mr. Justice White took no part in the consideration or decision of this motion.~~

No. 119. William J. Murray III, etc., et al., petitioners, *v.* John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City. The motion to strike certain matter from the appendix to the respondents' brief is denied.

No. 119. William J. Murray III, etc., et al., petitioners, *v.* John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City; and

No. 142. School District of Abington Township, Pennsylvania, et al., appellants, *v.* Edward Lewis Schempp et al. The motion of Synagogue Council of America et al. for leave to file a brief, as *amici curiae*, is granted.

No. 222. Pensick & Gordon, Inc., petitioner, *v.* California Motor Express et al. The joint motion to recall and amend the judgment of this Court is granted. It is ordered that the certified copy of the judgment sent to the District Court be recalled and that such judgment be vacated. It is further ordered that the order entered in this case on December 3, 1962, is amended to provide for a remand of the case to the United States Court of Appeals for the Ninth Circuit.

No. 229. Federico Marin Gutierrez, petitioner, *v.* Waterman Steamship Corp. The motion of Ellerman & Bucknall Steamship Company, Ltd., et al., for leave to file a brief, as *amici curiae*, is granted.

No. 271. Maurice L. Davis, etc., petitioner, *v.* Romuald M. Soja, etc. The joint motion to postpone the oral argument is granted.

APPEALS—JURISDICTION NOTED

No. 32. Jerry R. England et al., appellants, *v.* Louisiana State Board of Medical Examiners et al. Appeal from the United States District Court for the Eastern District of Louisiana. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 684. Dupuy H. Anderson et al., appellants, *v.* Wade O. Martin, Jr. Appeal from the United States District Court for the Eastern District of Louisiana. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 583. Brotherhood of Railroad Trainmen, petitioner, *v.* Virginia ex rel. Virginia State Bar. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted.

No. 403. Banco Nacional de Cuba, petitioner, *v.* Peter L. F. Sabatino, etc., et al. The motion of Winthrop S. Emmet for leave to withdraw his appearance as counsel for respondents is granted. The motion of Cuban-American Sugar Company et al. for leave to file a brief, as *amici curiae*, and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 659. Gust Yiatchos, petitioner, *v.* Pearle W. Yiatchos, etc. Petition for writ of certiorari to the Supreme Court of Washington

granted and case placed on the summary calendar. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 664. Donald I. Tilton et al., petitioners, *v.* Missouri Pacific Railroad Company. The motion of The Veterans of Foreign Wars National Rehabilitation Service for leave to file a brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on the summary calendar.

No. 732. Robert C. Brooks, petitioner, *v.* Missouri Pacific Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on the summary calendar. Case set for argument immediately following No. 664.

No. 42, Misc. Sidney Arceneaux, petitioner, *v.* Louisiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Louisiana granted. Case transferred to the appellate docket.

CERTIORARI DENIED

No. 30. James Duguid et ux., petitioners, *v.* Raymond R. Best, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 373. Charles Paul, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 530. Ruth Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 575. Rudolph R. Bregman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 611. Public Utility District No. 1 of Pend Oreille County, Washington, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 615. Panamanian SS Matador, etc., et al., petitioners, *v.* Ruth A. Morewitz, Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 621. James Oliver et al., petitioners, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 622. Jonie Gardner Lee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 625. Texaco Puerto Rico, Inc., petitioner, *v.* Sol Luis Descartes, Treasurer of Puerto Rico. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 629. Alfred J. Hausfeld, petitioner, *v.* Robert N. Ziegler. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 639. Volasco Products Co., et al., petitioners, *v.* Lloyd A. Fry Roofing Co. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 648. King County, etc., petitioner, *v.* Tricon, Inc. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 655. Pacific Queen Fisheries et al., petitioners, *v.* L. Symes et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 660. James Frankhouser, petitioner, *v.* Patricia L. Kissinger, Administratrix, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 662. Trent Trust Co., Ltd., et al., petitioners, *v.* Robert F. Kennedy, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 663. James R. Crowe et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 668. Thaddeus B. Taylor, petitioner, *v.* Michigan et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 669. John F. Iselin et al., petitioners, *v.* Lester J. Meng et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 670. Nathan Hauptman, Trustee, petitioner, *v.* Director of Internal Revenue et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 671. Mildred Wagner, Individually and as Administrator of the Estate of Mary Lou Wagner, petitioner, *v.* Fawcett Publications et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 672. Giant Food, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 674. World Commerce Corporation, S.A., petitioner, *v.* Minerals and Chemicals Philipp Corp. Petition for writ of certiorari to

the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 675. Paul E. Rhodes, petitioner, *v.* Norval Houston et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 676. Gibraltar Industries, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 677. James Waldo McCormick, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 679. Washington Toll Bridge Authority, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 680. Clayton L. Kasten et ux., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 682. Inez Riddle McDonald Neale, petitioner, *v.* Eugene M. Kinney et al., etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 683. Savon Gas Stations Number Six, Inc., et al., petitioners, *v.* Shell Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 685. Gorham and Johnson, Inc., petitioner, *v.* Chrysler Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 691. Edmund Mancini, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 692. Arthur Goldstein, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 693. William H. Legate, petitioner, *v.* J. Joseph Maloney, Jr., Receiver. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 694. Northeast Airlines, Inc., petitioner, *v.* Marilyn W. Pearson, Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 695. The Lincoln National Life Insurance Company, petitioner, *v.* Rosa Lee Roosth. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 696. Harry H. Drill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 698. Raymond Weitzner, Administrator of the Estate of Joe H. Weitzner, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 699. J. W. Neff et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 701. Ernest Klein, petitioner, *v.* Walston & Co., Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 703. Edgar F. Smith, petitioner, *v.* Frederick O. Mercer, Chief Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 709. Kenite Corporation, petitioner, *v.* United States; and

No. 784. United States, petitioner, *v.* Kenite Corporation. Petitions for writs of certiorari to the United States Court of Claims denied.

No. 710. I. M. Futch et al., petitioners, *v.* D. C. Greer et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, denied.

No. 711. National Bulk Carriers, Inc., etc., et al., petitioners, *v.* Mrs. Valerie Jean Gardner, Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 714. Tennessee ex rel. Dr. B. G. Stall et al., petitioners, *v.* City of Knoxville. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 716. Elias Thibodeaux et al., petitioners, *v.* P. Frank Comeaux, Jr., et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 717. Lynchburg Traffic Bureau, petitioner, *v.* Smith's Transfer Corporation of Staunton, Virginia. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 718. Seafarers International Union of North America, Atlantic, Gulf, Lakes and Inland Water District, Puerto Rico Division, AFL-CIO, petitioner, *v.* Puerto Rico Labor Relations Board. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 719. Boris S. Nadiak, petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 721. Carson J. May, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Court of Appeals of Ohio, Franklin County, denied.

No. 724. Southwest Magazine Co., petitioner, *v.* City of Fort Worth. Petition for writ of certiorari to the Supreme Court of Texas and Court of Civil Appeals of Texas, Second Supreme Judicial District, denied.

No. 767. Frank W. Lewis et ux., petitioners, *v.* New Jersey Express Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 456. Martin J. Wiman, Warden, Kilby Prison, petitioner, *v.* Willie Seals, Jr. The motion of respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 563. Honorable Stephen S. Chandler, United States District Judge for the Western District of Oklahoma, petitioner, *v.* Occidental Petroleum Corporation. The motion of Earl A. Brown et al., for leave to file a brief, as *amici curiae*, is granted. The motion to strike the respondent's brief and petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 614. Panhandle Eastern Pipe Line Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 661. Mississippi et al., petitioners, *v.* James Howard Meredith, etc. The motion of the United States for leave to be named a party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 700. Deck Scow Captains Local 335, Independent, petitioner, *v.* Harbor Carriers of the Port of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 705. First Congregational Church and Society of Burlington, Iowa, et al., petitioners, *v.* Evangelical and Reformed Church et al. The motions of R. B. Swartzbaugh and Clark M. Robertson for leave to file briefs, as *amicus curiae*, are granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 761. Hilton Hotels Corporation et al., petitioners, *v.* The Urban Redevelopment Authority of Pittsburgh et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 7, **Misc.** Thomas G. Daniel, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 279, **Misc.** Frank Lawrence Spreng, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 390, **Misc.** Willie Earl Clark, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 437, **Misc.** James David Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 548, **Misc.** Willie Price, Jr., petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 549, **Misc.** Cecilia Karikas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 553, **Misc.** Roberto Power Benthien, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 555, **Misc.** Frank Sasser, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 557, **Misc.** Minniola O. Miller, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 569, **Misc.** Joseph Ridley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 574, **Misc.** Earl William Sawyer, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 581, **Misc.** Carlos Acosta Abreu, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 601, **Misc.** Charles M. Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 602, **Misc.** Samuel E. Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 613, *Misc.* Dinty Warmington Whiting, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 615, *Misc.* Henry Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 634, *Misc.* Ronnie J. Everitt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 655, *Misc.* Robert William Schuette, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Supreme Bench of Baltimore City, Maryland, denied.

No. 656, *Misc.* Donald E. DeGroat, petitioner, *v.* Walter M. Wal-lack, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 657, *Misc.* Edward James Krantz, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 667, *Misc.* James Milk, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 669, *Misc.* Jack Clifton Dowthard, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 672, *Misc.* Ronnie J. Everitt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 679, *Misc.* Robert James Gizzo, petitioner, *v.* Dr. George J. Beto, Director, Department of Corrections, Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 684, *Misc.* In re Huey R. Lee, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 685, *Misc.* Claudia Walker, petitioner, *v.* Industrial Accident Commission of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 686, *Misc.* John J. Table, petitioner, *v.* W. K. Cunningham, Jr. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 687, *Misc.* Chester A. Hawks, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 688, *Misc.* Woodrow W. Gainey, Jr., petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 691, *Misc.* William M. Belvin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 696, *Misc.* James F. Wagon, petitioner, *v.* Kansas et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 697, *Misc.* John Czajkowski, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 699, *Misc.* Walter Elmer Linden, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 701, *Misc.* John Ray, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 702, *Misc.* Willie Evans, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 703, *Misc.* Paul Hunter, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 709, *Misc.* Norman F. Greene, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 710, *Misc.* Paul J. Pryor, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 711, *Misc.* George Jackson, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 719, *Misc.* Edwin L. Clark, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 721, *Misc.* George L. Ginger, petitioner, *v.* Miles N. Culehan, Wayne Circuit Judge et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 725, *Misc.* Theodore C. Ruark et al., petitioners, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 726, *Misc.* Charles F. Hanovich, petitioner, *v.* Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 731, *Misc.* Raymond Palmer, petitioner, *v.* W. K. Cunningham, Jr. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 737, *Misc.* James Bartley Rich, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 738, *Misc.* Louis F. Gonzales, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 742, *Misc.* George Gonzales Lugo, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 747, *Misc.* Richard Eugene Hickock, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 750, *Misc.* Ruth A. Morewitz, Administratrix, etc., petitioner, *v.* Panamanian SS Matador, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 758, *Misc.* Willie Seals, Jr., petitioner, *v.* Martin J. Wiman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 761, *Misc.* John M. Kershner and William D. Rine, petitioners, *v.* Otto C. Boles, Warden, et al. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 769, *Misc.* John Joseph Morin, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 806, *Misc.* Stanley Meadows, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 819, *Misc.* Ralph Darling, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 937, *Misc.* Leo Daniel Luton, petitioner, *v.* Texas et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 690, *Misc.* Wallace H. Hawkins, petitioner, *v.* United States. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Fifth Circuit denied.

No. 717, *Misc.* Raymond I. Helland, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari and for other relief to the Supreme Court of Washington denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 782, **Misc.** Wilson Wooten, petitioner, *v.* Lynn Bomar, Warden;

No. 807, **Misc.** Bernard James Craig, petitioner, *v.* United States;

No. 818, **Misc.** William D. Rine, petitioner, *v.* Otto C. Boles, Warden; and

No. 820, **Misc.** Philip C. Macfadden, petitioner, *v.* California et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 682, **Misc.** William B. Sullivan, petitioner, *v.* Robert A. Heinze, Warden. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 800, **Misc.** Emmitt Monroe Spencer, petitioner, *v.* L. L. Wainwright, Director, Florida Division of Corrections. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 773, **Misc.** Hayden C. Jones, Jr., petitioner, *v.* United States District Court, Western District of Pennsylvania; and

No. 823, **Misc.** George W. Sheldon et al., petitioners, *v.* Charles M. Merrill, United States Circuit Judge for the Ninth Circuit, et al. Motions for leave to file petitions for writs of mandamus denied.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 793, **Misc.** Clarence R. Bosler, petitioner, *v.* Supreme Court of Missouri. Motion for leave to file petition for writ of prohibition and for other relief denied.

REHEARINGS DENIED

No. 437. Edward Stock, appellant, *v.* Christopher F. Terrence, M.D., Director, Rochester State Hospital;

No. 545. Charles W. Jamieson, appellant, *v.* Chicago Title and Trust Co., etc., et al.;

No. 555. C. George Swallow, petitioner, *v.* United States;

No. 558. Aeronautical Communications Equipment, Inc., petitioner. *v.* Helen Russell Pierce, Executrix, etc.;

No. 568. William J. Batten and Katie M. Batten, his wife, et al.; petitioners, *v.* United States;

No. 584. Andrew J. Easter, appellant, *v.* Department of Assessments of Baltimore City;

No. 620. Jim Laing, petitioner, *v.* Virginia; and

No. 452, Misc. George Napier, Sr., appellant, *v.* United States et al. Petitions for rehearing denied.

No. 256. In the Matter of the Estate of Annie E. Hurst, Deceased. Motion for leave to file second petition for rehearing denied.

ORAL ARGUMENT

No. 65. Weyerhaeuser Steamship Company, petitioner, *v.* United States. Argued by Mr. Henry R. Rolph for the petitioner and by Mr. Anthony L. Mondello for the respondent.

No. 288. National Labor Relations Board, petitioner, *v.* Erie Resistor Corporation et al. Argument commenced by Mr. Norton J. Come for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, February 19, 1963, will be as follows:
Nos. 288, 180, 9, 61, and 70.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Arthur U. Goodman, Jr., of Kennett, Mo., on motion of Mr. Martin B. Dickinson; Henry G. Manne, of Washington, D.C., on motion of Mr. Robert Kramer; Vernon Z. Crawford, of Mobile, Ala., on motion of Mr. Frank D. Reeves; James W. Walker, of Marshalltown, Iowa, William Robinson Fishman, of Chicago, Ill., and A. Edward Hammerman, of New York, N. Y., on motion of Mr. Ellwood L. Englander; Bill R. Davis, of Memphis, Tenn., on motion of Mr. Dwight D. Taylor; Vincent P. Uihlein, of New York, N. Y., on motion of Mr. Harold Harper; William C. Burt, of Washington, D. C., on motion of Mr. Robert Matthew Beckman; and Lawrence Philip King, of New York, N. Y., on motion of Mr. J. Horace L. Flurry, were admitted to practice.

ORAL ARGUMENT

No. 288. National Labor Relations Board, petitioner, *v.* Erie Resistor Corporation et al. Argument continued by Mr. Norton J. Come for the petitioner and concluded by Mr. John G. Wayman for the respondents.

No. 180. General Drivers, Warehousemen and Helpers, Local Union No. 89, et al., petitioners, *v.* Riss and Company, Inc. Argued by Mr. David Previant for the petitioners and by Mr. H. Bemis Lawrence for the respondent.

No. 9. Beatrice Lynum, petitioner, *v.* Illinois. Argued by Mrs. Jewel Rogers Lafontant for the petitioner and by Mr. William C. Wines for the respondent.

No. 61. International Association of Machinists, AFL-CIO, et al., petitioners, *v.* Central Airlines, Inc. Argument commenced by Mr. Charles J. Morris for the petitioners and continued by Mr. Bernard Dunau for the petitioners and by Mr. Luther Hudson for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, February 20, 1963, will be as follows: Nos. 61, 70, 83, and 94.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Joseph G. Engel, of Elizabeth, N.J., on motion of Mr. Harrison A. Williams, Jr.; Ralph S. Brown, Jr., of Guilford, Conn., on motion of Mr. Burke Marshall; Raymond G. Lamb, of Claremont, Calif., on motion of Mr. Robert Mack Weston; Nolan J. Edwards, of Crowley, La., on motion of Mr. Edmund M. Reggie; Fred E. Cochran, of Philadelphia, Pa., Oliver E. Davis, of Tulsa, Okla., and John Creig Lawrence of Annapolis, Md., on motion of Mr. Robert Davis Powers, Jr.; John Stevens Connolly, of St. Paul, Minn., on motion of Mr. John E. Nolan, Jr.; Murdoch Kendrick Goodwin, of Philadelphia, Pa., on motion of Mr. J. Louis Monarch; John Brindley Kugler, of Boise, Idaho, on motion of Mr. J. Dean Mosher; Gladney Harville, of Lexington, Ky., Rufus Lisle, of Lexington, Ky., and Robert Murray Odear, of Lexington, Ky., on motion of Mr. Neville Miller; Herman Schwartzman, of New York, N.Y., and Leonard I. Weinstein, of New York, N.Y., on motion of Mr. Melvin Lloyd Robbins; Grover Collins Cooper, of Washington, D.C., and Rufus W. Peckham, Jr., of Washington, D.C., on motion of Mr. Ben C. Fisher; Gordon J. Petersen, of Silver Springs, Md., on motion of Mr. Irving Kator; Daniel J. Riviera, of Seattle, Wash., on motion of Mr. Linton M. Collins; and David J. Mandel, of New York, N.Y., on motion of Mr. Delmar W. Holloman, were admitted to practice.

ORAL ARGUMENT

No. 61. International Association of Machinists, AFL-CIO, et al., petitioners, *v.* Central Airlines, Inc. Argument continued by Mr. Luther Hudson for the respondent and concluded by Mr. Bernard Dunau for the petitioners.

No. 70. Irving J. Wolf et al., petitioners, *v.* Arnold A. Weinstein et al. Argued by Mr. Melvin Lloyd Robbins for the petitioners and by Mr. Alex L. Rosen and Mr. Harold Harper for the respondents.

No. 83. United States, appellant, *v.* The Philadelphia National Bank et al. Argument commenced by Mr. Lee Loevinger for the appellant and continued by Mr. Philip Price for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, February 21, 1963, will be as follows:
Nos. **83, 94, 140, 332, and 150.**

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Jesse G. Boles, of Cuthbert, Ga., Forrest Lee Champion, Jr., of Columbus, Ga., Lowrey S. Stone, of Blakely, Ga., William Lowrey Stone, of Blakely, Ga., Eugene Louis Blanck, of Baltimore, Md., and Seinwil Louis Greenberg, of Beaumont, Tex., on motion of Mr. Solicitor General Archibald Cox; Henry Royd Gordon, of Las Vegas, Nev., on motion of Mr. Alan Bible; Joseph K. Gordon, of Philadelphia, Pa., on motion of Mr. Murdoch K. Goodwin; Samuel L. Rosenberry, of New York, N.Y., and Edward J. Reilly, Jr., of New York, N.Y., on motion of Mr. A. Donald MacKinnon; Clifford Lawrence Wisner, of Silver Spring, Md., on motion of Mr. Charles J. Steele; Dorsey Evans, of Kansas City, Kans., on motion of Mr. Robert A. Harris; Rupert Warren, of Buffalo, N.Y., on motion of Mr. Thomas J. Beddow; and James Daniel Hanlon, of New York, N.Y., on motion of Mr. John R. Sheneman, were admitted to practice.

ORAL ARGUMENT

No. 83. United States, appellant, *v.* The Philadelphia National Bank et al. Argument continued by Mr. Philip Price for the appellees, by Mr. Arthur Littleton for the appellees and concluded by Mr. Lee Loevinger for the appellant.

No. 94. Brotherhood of Locomotive Engineers et al., petitioners, *v.* Louisville and Nashville Railroad Company. Argued by Mr. Harold C. Heiss for the petitioners and by Mr. John P. Sandidge for the respondent.

No. 140. Nathan Willner, petitioner, *v.* Committee on Character and Fitness, etc. Argued by Mr. Henry Waldman for the petitioner and by Mr. Daniel M. Cohen for the respondent.

Adjourned until Monday, February 25, 1963, at 10 o'clock.

The day call for Monday, February 25, 1963, will be as follows:
Nos. 332, 202, 150, and 511.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

CERTIORARI DENIED

No. 1061, Misc. Clyde Bates, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

REHEARING DENIED

No. 743, Misc. Hassie Cane Martin, petitioner, *v.* Kentucky. Petition for rehearing denied.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Frederic D. Houghteling, of Chicago, Ill., and Dominick Donald Zurlo, of Milwaukee, Wis., on motion of Mr. Solicitor General Archibald Cox; Norman T. Hilbrecht, Jr., of Las Vegas, Nev., on motion of Mr. Alan Bible; George Dixon Mahon, of Ozona, Tex., on motion of Mr. O. C. Fisher; Allo B. Crow, Jr., of Austin, Tex., Bill Allen, of Houston, Tex., and Bruce Allen, of Waxahachie, Tex., on motion of Mr. Homer Thornberry; Charles Wesley Risher, of Rockville, Md., on motion of Mr. Noble J. Johnson; Ralph W. Cole, of Detroit, Mich., on motion of Mr. Harold D. Beaton; George A. Kain, of Spokane, Wash.; on motion of Mr. Thomas Stephen Foley; Elizabeth Bonner Head, of New York, N.Y., on motion of Mr. Carol J. Head; Thomas Edward O'Brien, of New York, N.Y., and Richard M. Marshall, of New York, N.Y., on motion of Mr. Ricardo R. Alvarado; Herschel Kriger, of Canton, Ohio, on motion of Mr. Elliot Bredhoff; Harlan Pierce Huebner, of Los Angeles, Calif., on motion of Mr. Francis D. Thomas, Jr.; and Billy J. Moore, of Ennis, Tex., on motion of Mr. Charles Alan Wright, were admitted to practice.

OPINION

No. 86. James Edwards, Jr., et al., petitioners, *v.* South Carolina. On writ of certiorari to the Supreme Court of South Carolina. Judgment reversed and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Clark.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 479. National Motor Freight Traffic Association, Inc., et al., appellants, *v.* United States et al. Appeal from the United States

District Court for the District of Columbia. Petition for rehearing denied. Opinion *per curiam*. Mr. Justice Harlan concurs in the denial of the petition for rehearing and in the affirmance of the judgment of the District Court insofar as that judgment refused to set aside the order of the Interstate Commerce Commission. He believes, however, that the question of "standing" should not be decided without plenary consideration. Mr. Justice Stewart would grant the petition for rehearing.

No. 690. John E. Harrison, Sr., petitioner, *v.* Missouri Pacific Railroad Company. On petition for writ of certiorari to the Supreme Court of Illinois. Petition for writ of certiorari granted. On writ of certiorari, judgment reversed and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart would deny certiorari. The case having been taken, however, they concur in the judgment of the Court.

No. 708. White Stag Manufacturing Company, appellant, *v.* Dean Ellis et al., Members of and Constituting the State Tax Commission of the State of Oregon. Appeal from the Supreme Court of Oregon. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 712. Andrew Jackson Patterson et al., appellants, *v.* City of Dallas. Appeal from the Court of Civil Appeals of Texas, Fifth Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 467, Misc. Leon Bearden, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Elchuk v. United States*, 370 U.S. 722. Opinion *per curiam*. Mr. Justice White took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al.

It is ordered that Honorable Walter A. Huxman, United States Senior Judge, be, and he is hereby, appointed Special Master in this case, with authority to summon witnesses, issue subpoenas, and take

such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to submit such reports as he may deem appropriate.

The master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

The motion of the State of Florida for leave to intervene is hereby referred to the Special Master to hear the parties and report his opinion and recommendation as to whether the motion should be granted.

The motion of the Insurance Company of North America for leave to intervene is denied.

No. 111. William M. Ferguson, Attorney General for the State of Kansas, et al., appellants, *v.* Frank C. Skrupa, d/b/a Credit Advisors. The motion of National Better Business Bureau, Inc., for leave to file a brief, as *amicus curiae*, is granted.

No. 119. William J. Murray, III, etc., et al., petitioners, *v.* John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City; and

No. 142. School District of Abington Township, Pennsylvania, et al., appellants, *v.* Edward Lewis Schempp et al. The motion of The American Humanist Association for leave to file a brief, as *amicus curiae*, is denied as untimely.

No. 146. The Colorado Anti-Discrimination Commission et al., petitioners, *v.* Continental Air Lines, Inc. The motion of State of California for leave to argue, as *amicus curiae*, is granted and twenty minutes are allotted for that purpose. Counsel for the respondent is allotted an additional twenty minutes to argue this case.

No. 217. Josephine Goss et al., petitioners, *v.* The Board of Education of the City of Knoxville, Tennessee, et al. The motion of the Solicitor General, on behalf of the United States, for leave to participate in the oral argument is granted and fifteen minutes are allotted for that purpose. Counsel for the respondents are allotted an additional fifteen minutes to argue this case.

No. 392. Agnes K. Head, d/b/a Lea County Publishing Co., et al., appellants, *v.* New Mexico Board of Examiners in Optometry. The motion of the Solicitor General, on behalf of the United States, for leave to participate in the oral argument is granted and thirty minutes are allotted for that purpose. Counsel for the appellee is allotted an additional thirty minutes to argue this case.

CERTIORARI GRANTED

No. 449. Harold Fahy, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut granted and case placed on the summary calendar.

No. 733. United States, petitioner, *v.* Dorothy Anne Stapf and B. T. Ware II, Executors and Trustees of the Estate of Lowell H. Stapf, Deceased, and Dorothy Anne Stapf, Individually. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

CERTIORARI DENIED

No. 652. Farbenfabriken Bayer A. G., petitioner, *v.* Sterling Drug, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 653. Farbenfabriken Bayer A. G., petitioner, *v.* Sterling Drug, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 725. Franklin W. Durgin et ux., petitioners, *v.* Hal R. Stoffel. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 731. Marion Lee Ivey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 734. William Wright, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 735. North Texas Producers Association, petitioner, *v.* Keith Young. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 736. King David, petitioner, *v.* Robert O. Clouser et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 739. Milton May, petitioner, *v.* The Chase Manhattan Bank. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 740. T. O. Bradbury and N. B. Burt, petitioners, *v.* Frank Dennis. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 750. Phillips Pipe Line Company, petitioner, *v.* Mike Anthony Belusko, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 751. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Agnes Kosowatz, Administratrix, etc. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied.

No. 766. Bowen-Itco, Inc., et al., petitioners, *v.* Houston Engineers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 778. John A. Potucek, Trustee of Wilson Sugar and Elevator Company, Inc., petitioner, *v.* Cordeleria Lourdes et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 532, Misc. Edward Boyd Sutton, Jr., petitioner, *v.* R. O. Settle, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 567, Misc. Clarence Duke McGann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 683, Misc. Clarence Mahurin, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 735, Misc. Ruben Dario Sanchez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 756, Misc. P. C. Pierce, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 760, Misc. Mark S. Holley, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 762, Misc. Mack Barnes, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 763, Misc. Jesse T. Ball, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 764, Misc. Amos Marshall Arketa, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 784, Misc. Ronald Lewis, petitioner, *v.* George Beto et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 787, Misc. Ralph J. Hoge, petitioner, *v.* Patrick N. Bolsinger, Prothonotary, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 802, *Misc.* Earl Althoff, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution at Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District denied.

No. 804, *Misc.* Gordon Benjamin Brown, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 563. Honorable Stephen S. Chandler, United States District Judge for the Western District of Oklahoma, petitioner, *v.* Occidental Petroleum Corporation. The orders entered in this case on February 18, 1963, are amended to include the notation that Mr. Justice Brennan and Mr. Justice White took no part in the consideration or decision of the motions or the petition.

LEAVE TO FILE PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 832, *Misc.* Gilbert Salas Coronado, petitioner, *v.* J. C. Taylor, Warden. Motion for leave to file petition for writ of certiorari denied.

No. 739, *Misc.* H. L. Green Company, Inc., petitioner, *v.* United States Court of Appeals for the Second Circuit et al. Motion for leave to supplement record granted. Motion for leave to file petition for writ of certiorari or other appropriate writ denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 835, *Misc.* Ex parte Malcolm R. Schlette, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

REHEARINGS DENIED

No. 472. Ove Gustavsson Contracting Company, Inc., petitioner, *v.* United States for the Use and Benefit of Browne & Bryan Lumber Co., Inc., et al.;

No. 597. John Wight and Mondakota Gas Company, petitioners, *v.* Montana-Dakota Utilities Company;

No. 627. Aerovias Interamericanas de Panama, S.A., et al., petitioners, *v.* Board of County Commissioners of Dade County, Florida, etc.; and

No. 359, *Misc.* Fred J. Odell, petitioner, *v.* John C. Burke, Warden. Petitions for rehearing denied.

No. 566, *Misc.* Joe G. Martinez, petitioner, *v.* United States. After consideration of petitioner's reply brief, petition for rehearing denied.

No. 528. R. A. Riddell, District Director of Internal Revenue, Los Angeles District, petitioner, *v.* Monolith Portland Cement Co. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

RECESS ORDER

The Court will take a recess from Monday, March 4, 1963, until Monday, March 18, 1963.

ORAL ARGUMENT

No. 332. Fenelon Boesche, Administrator, etc., petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Argued by Mr. Leon BenEzra for the petitioner and by Mr. Solicitor General Cox for the respondent.

No. 202. Charles Edward Sanders, petitioner, *v.* United States. Argued by Mr. Fred M. Vinson, Jr., for the petitioner and by Miss Beatrice Rosenberg for the respondent.

No. 150. Harold J. Silver, d/b/a Municipal Securities Company, et al., petitioners, *v.* New York Stock Exchange. Two hours allowed for oral argument. Argument commenced by Mr. David I. Shapiro for the petitioners and continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, February 26, 1963, will be as follows: Nos. 150, 511, 147, and 119.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Harold Strauch, of Hartford, Conn., on motion of Mr. Solicitor General Archibald Cox; Joseph Carlton Loser, Jr., of Nashville, Tenn., on motion of Mr. J. Carlton Loser; Norman Francis Burke, of Orlando, Fla., on motion of Mr. Edward G. Hudon; Lester Forest, of Lynbrook, N.Y., on motion of Mr. Donald E. Van Koughnet; Ronald Howard Galowich, of Joliet, Ill., on motion of Mr. Peter N. Chumbris; Bruce Lyman Miller, of Hereford, Tex., on motion of Mr. Floyd Lee Williams; William Perry Keats, of Port Washington, N.Y., on motion of Mr. Vernon L. Wilkinson; Bernard Mendelsohn, of Reading, Pa., on motion of Mr. John Doran Killian III; Joel Jay Rogge, of Washington, D.C., on motion of Mr. David Shapiro; and Nelson Bernard Seidman, of Baltimore, Md., and George William Baker, Jr., of Baltimore, Md., on motion of Mr. Francis B. Burch, were admitted to practice.

ORAL ARGUMENT

No. 150. Harold J. Silver, d/b/a Municipal Securities Company, et al., petitioners, *v.* New York Stock Exchange. Argument continued by Mr. A. Donald MacKinnon for the respondent and concluded by Mr. David I. Shapiro for the petitioners.

No. 511. James E. Bush, petitioner, *v.* Texas. Argued by Mr. Charles Alan Wright for the petitioner and by Mr. Bruce Allen and Mr. Allo B. Crow, Jr., for the respondent. Brief for petitioner to come.

No. 147. Raymond L. Haynes, petitioner, *v.* Washington. Argument commenced by Mr. Lawrence Speiser for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, February 27, 1963, will be as follows: Nos. 147, 119, and 142.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

John Joseph Sweeney, Jr., of Baltimore, Md., Robert Francis Sweeney, of Baltimore, Md., and Thomas F. Dempsey, of Baltimore, Md., on motion of Mr. Thomas B. Finan; Marshall J. Doke, Jr., of Dallas, Tex., and Wilbur G. Silverman, of Jamaica, N.Y., on motion of Mr. Nathan J. Roberts; Elizabeth F. Defeis, of New York, N.Y., on motion of Mr. Richard Arens; Robert George Darden, of Amarillo, Tex., on motion of Mr. Gregory Hayes Swanson; Earl Klein, of Beverly Hills, Calif., on motion of Mr. Raymond G. Larroca; and Edward J. Duggan, of Boston, Mass., on motion of Mr. William H. Collins, were admitted to practice.

ORAL ARGUMENT

No. 147. Raymond L. Haynes, petitioner, *v.* Washington. Argument continued by Mr. George A. Kain for the respondent and concluded by Mr. Lawrence Speiser for the petitioner.

No. 119. William J. Murray III, etc., et al., petitioners, *v.* John N. Curlett, President, et al., Individually, and Constituting the Board of School Commissioners of Baltimore City. Argued by Mr. Leonard J. Kerpelman for the petitioners, by Mr. Francis B. Burch and Mr. George W. Baker, Jr., for the respondents, and by Mr. Thomas B. Finan for the State of Maryland, as *amicus curiae*.

No. 142. School District of Abington Township, Pennsylvania, et al., appellants, *v.* Edward Lewis Schempp et al. Argument commenced by Mr. Philip H. Ward III for the appellants.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, February 28, 1963, will be as follows: Nos. 142, 108 (109, 110, and 125), and 134.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

John Wallace Key, Jr., of Athens, Tex., on motion of Mr. John Dowdy; James F. Bell, of London, Ohio, on motion of Mr. Sidney Dwight Griffith; Jon O. Newman, of West Hartford, Conn., on motion of Mr. Stephen John Pollak; William Eldridge Spain, of Richmond, Va., on motion of Mr. Oscar L. Chapman; Charles White Halleck, of Rensselaer, Ind., on motion of E. Barrett Prettyman, Jr.; Joseph F. Craco, of Irvington, N.J., on motion of Mr. Vincent P. Biunno; Edward G. Villalon, of Washington, D.C., on motion of Mr. James E. Wilson; Fred E. Weisgal, of Baltimore, Md., on motion of Mr. William D. Donnelly; and John P. Corcoran, Jr., of Tampa, Fla., on motion of Mr. James L. Highsaw, Jr., were admitted to practice.

ORAL ARGUMENT

No. 142. School District of Abington Township, Pennsylvania, et al., appellants, *v.* Edward Lewis Schempp et al. Argument continued by Mr. Philip H. Ward III for the appellants, by Mr. Henry W. Sawyer III for the appellees, and concluded by Mr. John D. Killian III for the appellants.

No. 108. Interstate Commerce Commission, appellant, *v.* The New York, New Haven and Hartford Railroad Company, et al.;

No. 109. Sea-Land Service, Inc., appellant, *v.* The New York, New Haven and Hartford Railroad Company, et al.;

No. 110. Seatrain Lines, Inc., appellant, *v.* New York, New Haven and Hartford Railroad Company, et al.;

No. 125. United States, appellant, *v.* New York, New Haven and Hartford Railroad Company, et al. Two and one-half hours allowed for oral argument. Argued by Mr. Robert W. Ginnane, Mr. Warren Price, Jr., and Mr. Ralph S. Spritzer for the appellants and by Mr. Carl Helmetag, Jr., for the appellees.

Adjourned until Monday, March 4, 1963, at 10 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

James W. Segars, of Pine Bluff, Ark., James H. Lyons, of Los Angeles, Calif., Arthur J. Edwards, of Washington, D.C., Leonard J. Emmert, of Washington, D.C., Edward Lee Gilmore, of Washington, D.C., W. E. Higman, of Washington, D.C., Frederick Malcolm Ivey, of Washington, D.C., Leo Jablonski, of Washington, D.C., Reuben Klaben, of Washington, D.C., Charles I. Calisoff, of Chicago, Ill., James Warren Craven, of Chevy Chase, Md., Donald L. E. Ritger, of Chevy Chase, Md., Edward Joseph Doyle, of Silver Spring, Md., John Peter Tebeau, of Silver Spring, Md., Robert Chambers, of Gaithersburg, Md., Alfred H. Golden, of Takoma Park, Md., Michael Walen, of Rockville, Md., Edward Weintraub, of Kansas City, Mo., Carroll Dale Smyers, of Omaha, Nebr., Theodore W. Allis, of New York, N.Y., Teresa Scalzo Campise, of Niagara Falls, N.Y., Howard B. Kagan, of Rahway, N.J., James F. Bartley, of Pawtucket, R.I., J. Warner Mills III, of Alexandria, Va., William Parker Howard, of Arlington, Va., Charles S. Slap, of Arlington, Va., and Bernard William Lyons, of Vienna, Va., on motion of Mr. Solicitor General Archibald Cox; John W. Goodson, of Texarkana, Ark., John F. Stroud, Jr., of Texarkana, Ark., and James E. Westbrook, of North Little Rock, Ark., on motion of Mr. John L. McClellan; Vincent A. Cirillo, of Norristown, Pa., on motion of Mr. George H. Buschman; George V. Russell, of Boise, Idaho, on motion of Mr. Frank Church; Harry J. Keaton, of Los Angeles, Calif., on motion of Mr. Thomas H. Kuchel; Bernard L. Packett, of Lincoln, Nebr., on motion of Mr. Carl T. Curtis; Homer E. Abele, of McArthur, Ohio, and Lloyd W. Burwell, of Ironton, Ohio, on motion of Mr. William H. Harsha, Jr.; John Richardson Haworth, of High Point, N.C., on motion of Mr. Horace R. Kornegay; William R. Knight, of Dallas, Tex., on motion of Mr. Albert M. Kuhfeld; Elaine Worley Kerr, of Falls Church, Va., on motion of Mr. Edward G. Hudon; Jonel C. Hill, of Salem, Oreg., on motion of Mr. Robert W. Ginnane; George Edwin Pugh, of Dallas, Tex., on motion of Mr. Charles M. Johnston; Quentin O. Young, of Fairfax, Va., on motion of Miss Beatrice Rosenberg; Jack L. Lessenberry, of Little Rock, Ark., on motion of Mr. Floyd Lee Wil-

liams, Jr.; Robert Kennedy Patch, of Sacramento, Calif., on motion of Mr. Joseph D. Guilfoyle; Robert Francis Meersman, of Mount Prospect, Ill., on motion of Mr. Robert Francis Moore; Howard Boman, of East St. Louis, Ill., on motion of Mr. Robert H. Reiter; Nils L. Muench, of Houston, Tex., and John Gordon Underwood, of Severna Park, Md., on motion of Mr. James McI. Henderson; Lucian J. Rossi, of New York, N.Y., on motion of Mr. John T. Sullivan; Maurice C. Pincoffs, Jr., of Baltimore, Md., on motion of Mr. John Y. Merrell; William M. Bradner, Jr., of New York, N.Y., and Charles Lyman Stewart, of New York, N.Y., on motion of Mr. Frank A. F. Severance; David Bowerman Ehrlinger, of Ann Arbor, Mich., on motion of Mr. Douglas G. Mode; James Francis Gordy, of Washington, D.C., on motion of Mr. Frederick O. Graves; Charles H. Lieb, of Westport, Conn., on motion of Mr. Aubrey E. Hummer; James W. Cummer, of Indianapolis, Ind., on motion of Mr. Thomas A. Ziebarth; Robert B. Russell, of Boston, Mass., on motion of Mr. Clarence M. Fisher; Vernon C. Mayfield, of Fort Worth, Tex., on motion of Mr. Arthur J. Gang; Herf M. Weinert, of Beaumont, Tex., on motion of Mr. Robert E. May; Merle J. Smith, of Scotch Plains, N.J., on motion of Mr. Martin John Brown; Laurence Reich, of Newark, N.J., on motion of Mr. George Kaufmann; and Abraham Tulchin, of Fall River, Mass., on motion of Mr. Joseph B. McGrath, were admitted to practice.

OPINION

No. 54. The White Motor Company, appellant, *v.* United States. Appeal from the United States District Court for the Northern District of Ohio. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Clark with whom Mr. Chief Justice Warren and Mr. Justice Black join. Mr. Justice White took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINION PER CURIAM

No. 730. Brotherhood of Locomotive Engineers et al., petitioners, *v.* Baltimore and Ohio Railroad Company et al. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted. On writ of certi-

orari, judgment affirmed. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

No. 368. Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, *v.* Alberta Schermerhorn et al.; and

No. 404. National Labor Relations Board, petitioner, *v.* General Motors Corporation. The motion of American Federation of Labor et al. for leave to file a brief, as *amici curiae*, is granted. The motion of American Federation of Labor et al. for leave to argue, as *amici curiae*, is denied. Mr. Justice Goldberg took no part in the consideration or decision of these motions.

No. 464. United States, petitioner, *v.* Carlos Muniz and Henry Winston. The motion of respondents to remove the case from the summary calendar is granted.

No. 690, Misc. Wallace H. Hawkins, petitioner, *v.* United States. The application to recall order denying petition for writ of certiorari and for other relief presented to Mr. Justice Black, and by him referred to the Court, is denied.

CERTIORARI GRANTED

No. 641. Charles A. Meeker et ux., petitioners, *v.* Ambassador Oil Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar.

No. 757. Ethel Meyer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 654. Aetna Casualty & Surety Co. et al., petitioners, *v.* Madge Vinson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 678. E. Paul Black, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 681. O. D. Harrison et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 743. Nicholas A. Stirone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 749. Beatty Safway Scaffold Co., petitioner, *v.* Up-Right, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 752. J. C. Bradford et al., petitioners, *v.* Mrs. Guilberta Dakin Maggiore et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 753. Westinghouse Broadcasting Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 754. Darrell V. Boylan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 755. Joseph L. Mitchell, d/b/a LaSalle County Livestock Marketing Center, petitioner, *v.* Orville L. Freeman, Secretary of Agriculture. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 756. Orion T. Whiting, Jr., and Lucretia Killings, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 758. In the Matter of Ramon Novarro, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 759. Frank E. Maestas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 763. Pennsylvania Public Utility Commission, petitioner, *v.* Westinghouse Electric Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 769. United States for the Use of Dakota Electric Supply Company, petitioner, *v.* St. Paul Fire and Marine Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 780. Harry Harold Chereton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 830. Humble Oil & Refining Co., petitioner, *v.* Noah S. Cutrer et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 141. National Maritime Union of America, AFL-CIO, petitioner, *v.* Sociedad Nacional de Marineros de Honduras et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 412, **Misc.** Dewey Wallace, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 424, **Misc.** Melvin C. Holt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 609, **Misc.** Robert Miles Reiff, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 705, **Misc.** Joseph P. Maugere, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 727, **Misc.** Clifton Addison Pearce, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 733, **Misc.** Richard F. Tunnell, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 774, **Misc.** Shelley R. Cothran, petitioner, *v.* San Jose Water Works. Petition for writ of certiorari to Supreme Court of California denied.

No. 781, **Misc.** Boyker E. Ream, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 826, **Misc.** Eugene Millington, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 895, **Misc.** Ernest Stevenson, petitioner, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 904, **Misc.** Charles Glinton, petitioner, *v.* Wilfred L. Denno, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

REHEARINGS

No. 607. Missouri ex rel. Mildred B. Johnson, etc., et al., appellants, *v.* Jack L. Clay, Superintendent of Division of Insurance, etc., et al. Petition for rehearing denied.

No. 729 **Misc.** Allen Ditson, petitioner, *v.* California. Upon petition by the State of California for rehearing or clarification, the opinion of this Court entered on January 14, 1963, in this case is withdrawn and, upon the prior suggestion of mootness, the petition for writ of certiorari to the Supreme Court of California is dismissed.

Adjourned until Monday, March 18, 1963, at 10 o'clock.

The day call for Monday, March 18, 1963, will be as follows: Nos. 134, 490, 512, and 39 (and 293).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

James Christopher Paras, of Chevy Chase, Md., J. William Hines, of Athens, Ga., Rafael A. Del Campo, of Chicago, Ill., Robert J. Kennedy, of Chicago, Ill., Joseph Alexander Kutch, of Indianapolis, Ind., Norman Keith Sanborn, of Wichita, Kans., Hyam Segell, of St. Paul, Minn., Richard B. Lavin, of New York, N.Y., John Joseph Lynch, of Arlington, Va., and William A. Geoghegan, of Cincinnati, Ohio, on motion of Mr. Solicitor General Archibald Cox; Vernon Ripon Scott, of Columbia, S.C., on motion of Mr. Olin D. Johnston; Samuel H. Crossland III, of Tulsa, Okla., on motion of Mr. J. Howard Edmondson; Omar Burleson, of Anson, Tex., and Ben J. Dean, Jr., of Breckenridge, Tex., on motion of Mr. George H. Mahon; Richard Tinsman, of San Antonio, Tex., on motion of Mr. Arthur C. Perry; David Levy, of Bridgeport, Conn., on motion of Mr. Norbert A. Schlei; Paul O. Strawhecker, of Grand Rapids, Mich., on motion of Mr. Robert S. Erdahl; Donald A. Bell, of Wichita, Kans., on motion of Mr. Lawrence Weigand; Melvin Siegel, of Hempstead, N.Y., and Jules Shank, of Hempstead, N.Y., on motion of Mr. Milton Dunn; Glen M. Bendixsen, of Washington, D.C., on motion of Mr. Warren M. Davison; Russell Ronald Reno, Jr., of Baltimore, Md., on motion of Mr. Robert C. Murphy; Robert Henry Howard, of Monmouth, Ill., on motion of Mr. Joseph H. Sheppard; Eli Ellis, of New York, N.Y., and David I. Gilchrist, of New York, N.Y., on motion of Mr. Morton Liftin; and Roger Bonney, of Houston, Tex., on motion of Mr. Charles Cecil Keeble, were admitted to practice.

OPINIONS

No. 201. Robert Draper and Raymond Lorentzen, petitioners, *v.* Washington et al. On writ of certiorari to the Supreme Court of Washington. Judgment reversed and case remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice White with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart join.

No. 283. Ward Lane, Warden, petitioner, *v.* George Robert Brown. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgments of the Court of Appeals and of the District Court are vacated and case remanded to the United States District Court for the Northern District of Indiana so that appropriate orders may be entered ordering respondent's discharge from custody unless within a reasonable time the State of Indiana provides him an appeal on the merits to the Supreme Court of Indiana from the denial of the writ of error *coram nobis*. Opinion by Mr. Justice Stewart. Separate opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins.

No. 84. Edward M. Fay, Warden, et al., petitioners, *v.* Charles Noia. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Stewart join. Dissenting opinion by Mr. Justice Clark.

No. 34. William Douglas and Bennie Will Meyes, petitioners, *v.* California. On writ of certiorari to the Supreme Court of California. Judgment of the District Court of Appeal of California, Second Appellate District, vacated and case remanded to that court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 112. James H. Gray, as Chairman of the Georgia State Democratic Executive Committee, et al., appellants, *v.* James O'Hear Sanders. Appeal from the United States District Court of the Northern District of Georgia. Judgment vacated and case remanded to that court so that a decree may be entered in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Clark joins. Dissenting opinion by Mr. Justice Harlan.

No. 155. Clarence Earl Gideon, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. On writ of certiorari to the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. ~~Concurring~~ ^{Concurring} opinion by Mr. Justice Douglas. Opinion by Mr. Justice Clark concurring in the result. Concurring opinion by Mr. Justice Harlan.

No. 180. General Drivers, Warehousemen and Helpers, Local Union No. 89, et al., petitioners, *v.* Riss and Company, Inc. On writ of certiorari to the United States Court of Appeals for the Sixth

Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Kentucky for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 8. Charles Townsend, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White join.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 399. James Fields et al., petitioners, *v.* South Carolina. On petition for writ of certiorari to the Supreme Court of South Carolina. Petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of South Carolina for consideration in light of *Edwards v. South Carolina*, 372 U.S. 229. Opinion *per curiam*. Mr. Justice Clark dissents for the reasons expressed in his dissenting opinion in *Edward v. South Carolina*, *supra*.

No. 419. Local Lodge No. 1836 of District 38 of the International Association of Machinists, AFL-CIO, et al., petitioners, *v.* Local No. 1505 International Brotherhood of Electrical Workers, AFL-CIO, et al. On writ of certiorari to the United States Court of Appeals for the First Circuit. Motion to vacate granted. Judgment vacated and case remanded to the United States District Court for the District of Massachusetts with direction to dismiss the cause as moot. Opinion *per curiam*.

No. 425. Birmingham Ice and Cold Storage Company et al., appellants, *v.* Southern Railway Company et al. Appeal from the United States District Court for the Northern District of Alabama. The motions to dismiss are granted and the appeal is dismissed. Opinion *per curiam*. Mr. Justice Black took no part in the consideration or decision of this case.

No. 617. Jefferson Warehouse and Cold Storage Company et al., appellants, *v.* United States. Appeal from the United States District Court for the Northern District of Alabama. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr.

Justice Black took no part in the consideration or decision of this case.

No. 657. J. L. Walker, appellant, *v.* United States et al. Appeal from the United States District Court for the Western District of Texas. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black is of the opinion that probable jurisdiction should be noted.

No. 425, Misc. Carroll Robinson, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Motion for leave to proceed in *forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals with directions to allow the appeal *in forma pauperis*. Opinion *per curiam*.

No. 610, Misc. Truman Vincent Cole et al., appellants, *v.* Col. W. M. Manning, Superintendent, South Carolina State Penitentiary. Appeal from the Supreme Court of South Carolina. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 841, Misc. Edward J. Craig, appellant, *v.* John E. Bennett, Warden. Appeal from the Supreme Court of Iowa. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 392. Agnes K. Head, d/b/a Lea County Publishing Co., et al., appellants, *v.* New Mexico Board of Examiners in Optometry. The motion of The American Optometric Association, Inc., for leave to file a brief, as *amicus curiae*, is granted.

No. 480. Louis McNeese, Jr., a Minor, by Mabel McNeese, His Mother and Next Friend, et al., petitioners, *v.* Board of Education for Community Unit School District 187, Cahokia, Illinois, et al. The motion of American Civil Liberties Union for leave to file a brief, as *amicus curiae*, is granted.

No. 797. Levin Nock Davis, Secretary, State Board of Elections, et al., appellants, *v.* Harrison Mann et al. The motion of appellees, Mann, Stone, Webb, and Donovan to vacate stay or in the alternative to advance, is denied. The motion of appellees, Glanville, Shephard, Lipkin, and Wilkins to vacate stay, is denied.

APPEALS—JURISDICTION NOTED

No. 601. Polar Ice Cream & Creamery Company, appellant, *v.* Charles O. Andrews, Jr., etc., et al. Appeal from the United States

District Court for the Northern District of Florida. In this case probable jurisdiction is noted.

No. 566. Edward R. Fields et al., appellants, *v.* City of Fairfield. Appeal from the Supreme Court of Alabama. In this case probable jurisdiction is noted. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI DENIED

No. 665. First Federal Savings and Loan Association of Puerto Rico, petitioner, *v.* Jose R. Noguera, Secretary of the Treasury of Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 666. California, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 702. Central Federal Savings and Loan Association of Puerto Rico, petitioner, *v.* Jose R. Noguera, Secretary of the Treasury of Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 723. Mel Dar Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 772. Harry A. Blachman, petitioner, *v.* Erieview Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 773. Edith Honigman, Individually, etc., petitioner, *v.* Green Giant Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 782. Oregon, Acting by and through its State Forester, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 785. Alvin Greene, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 786. Joseph Nicoletti, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 787. Indemnity Insurance Company of North America, Inc., et al., petitioners, *v.* American Fidelity & Casualty Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 788. Keystone Coat & Apron Mfg. Corp., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 794. Amalgamated Lithographers of America (Ind.) et al., petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 796. Technical Tape Corporation, petitioner, *v.* Minnesota Mining and Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 798. W. D. York, petitioner, *v.* Florida Southern Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 802. Walter J. Trotter and George D. Slabaugh, etc., et al., petitioners, *v.* Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Division 1303, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 806. Batesville Casket Company, Inc., petitioner, *v.* Jacwil Mfrs. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 811. F. W. Woolworth Co., petitioner, *v.* Henri A. Meis, Trustee, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 817. Frances O. Warriner, petitioner, *v.* Harry Fink et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 831. General Electric Company et al., petitioners, *v.* Honorable William H. Kirkpatrick. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 862. United States, petitioner, *v.* Moore-McCormack Lines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 704. Arthur Marcus, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 722. Warehousemens, Teamsters, Chauffeurs & Helpers Local Union No. 542, petitioner, *v.* Superior Court of California, County of San Diego, et al. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 770. Bernice Wise, petitioner, *v.* City of Chicago et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 789. Local 2 of the Operative Plasterers and Cement Masons International Association, etc., et al., petitioners, *v.* Paramount Plasterers, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 776. Flight Engineers' International Association, EAL Chapter, AFL-CIO, petitioner, *v.* Eastern Air Lines, Inc. The motion of Railway Labor Executives' Association for leave to file a brief, as *amicus curiae*, is denied. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion and petition.

No. 603, Misc. John N. Hyde, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 665, Misc. Charles D. Heath et al., petitioners, *v.* Anthony J. Celebrezze, Secretary of the Department of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 678, Misc. Daniel R. Wolfe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 732, Misc. Adolphus Comer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 734, Misc. Robert Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 748, Misc. Billy George Andrews, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 776, Misc. Jack R. Delaney, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 789, Misc. Harold Lindell Shoemake, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 790, Misc. Luke Burton, petitioner, *v.* David L. Davis, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 798, *Misc.* Guy N. Stafford, petitioner, *v.* G. M. Russell et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 801, *Misc.* William E. Leek, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 805, *Misc.* Odery Reed, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 808, *Misc.* Simmie Underwood, petitioner, *v.* New Jersey. Petition for writ of certiorari to Supreme Court of New Jersey denied.

No. 809, *Misc.* George Edward Bentley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 812, *Misc.* Robert Edward Lohrke, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 813, *Misc.* August J. Rodriguez, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 814, *Misc.* Paul D. Hill, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 815, *Misc.* Jesse Root, petitioner, *v.* W. K. Cunningham, Jr. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 816, *Misc.* Clarence Lymore, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 817, *Misc.* John Lusterino, petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, New York County, denied.

No. 821, *Misc.* Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 822, *Misc.* Walter Otto, petitioner, *v.* Jay Marvin Lauer. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 825, *Misc.* Paul Alfred Carson, petitioner, *v.* W. K. Cunningham, Jr. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 831, *Misc.* Mario J. DeLucia, petitioner, *v.* Howard Yeager, Warden. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 837, *Misc.* Lewis T. Hill, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 845, **Misc.** Walter Otto, etc., petitioner, *v.* Hon. Frank R. Somers, Mayor of the City of Dayton, Ohio, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 846, **Misc.** James P. Carafas et ux., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 847, **Misc.** Jesse Phillip Hawkins, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 851, **Misc.** Donald Clarence Smith, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 861, **Misc.** Ralph E. Doty, petitioner, *v.* Bessie Johnson, Clerk of District Court, Wright County. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 866, **Misc.** J. C. Burris, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 868, **Misc.** George Brengettsy, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 875, **Misc.** Franklin Beckett, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 879, **Misc.** Fred Schmidt, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 881, **Misc.** Paul Loucks, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Cook County, Illinois, denied.

No. 891, **Misc.** Kenneth D. Edmondson, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 755, **Misc.** Victor Sharrow, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 858, **Misc.** May Malory, petitioner, *v.* James J. McGettrick, Sheriff of Cuyahoga County, Ohio. The motion of The National Lawyers Guild for leave to file a brief, as *amicus curiae*, is granted. The motion of American and Ohio Civil Liberties Unions for leave to file a brief, as *amici curiae*, is granted. Petition for writ of certiorari to the Supreme Court of Ohio denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 854, **Misc.** George Stine Smith, petitioner, *v.* John C. Taylor, Warden;

No. 870, **Misc.** Robert Draper et al., petitioners, *v.* Washington et al.;

No. 886, **Misc.** Carlso Rodriguez, petitioner, *v.* New York;

No. 924, **Misc.** James Wesley Thomas, petitioner, *v.* United States;

No. 947, **Misc.** Daniel Moore, petitioner, *v.* United States; and

No. 962, **Misc.** Michael Larry Schachel, petitioner, *v.* L. B. Stevens, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION AND/OR MANDAMUS DENIED

No. 877, **Misc.** William Elmer Knicker, petitioner, *v.* Supreme Court of Missouri. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 747, **October Term, 1961.** Shaw Warehouse Company et al., petitioners, *v.* Southern Railway Company et al. Petition for rehearing denied. Mr. Justice Black, Mr. Justice White, and Mr. Justice Goldberg took no part in the consideration or decision of this application.

No. 16. Shotwell Manufacturing Company et al., petitioners, *v.* United States;

No. 483. John J. Casale, Inc., appellant, *v.* United States et al.;

No. 543. Charles D. Stuart et al., appellants, *v.* Waggoner Carr, Attorney General of Texas, et al.;

No. 616. Duncan Miller, petitioner, *v.* Stewart L. Udall, Secretary of the Interior;

No. 7, **Misc.** Thomas G. Daniel, petitioner, *v.* Walter H. Wilkins, Warden;

No. 581, **Misc.** Carlos Acosta Abreu, petitioner, *v.* United States; and

No. 690, **Misc.** Wallace H. Hawkins, petitioner, *v.* United States. Petitions for rehearing denied.

ORDER

It is ordered (1) That paragraph (e) of Rule 86 of the Rules of Civil Procedure, as adopted January 21, 1963, is amended to read as follows:

(e) **Effective Date of Amendments.** The amendments adopted by the Supreme Court on January 21, 1963, and transmitted to the Congress on January 21, 1963, shall take effect on July 1, 1963. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(2) That the Chief Justice be authorized to transmit this amendment to Congress in accordance with the provisions of Title 28, U.S.C., Sec. 2072.

(3) That this amendment shall take effect at the expiration of 90 days after it has been reported by the Chief Justice to Congress.

ORAL ARGUMENT

No. 134. David Namet, petitioner, *v.* United States. Argued by Mr. John H. FitzGerald for the petitioner and by Mr. Stephen J. Pollak for the respondent.

No. 490. John L. Brady, petitioner, *v.* Maryland. Argument commenced by Mr. E. Clinton Bamberger, Jr., for the petitioner and continued by Mr. Thomas W. Jamison III for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 19, 1963, will be as follows: Nos. 490, 512, 39 (and 293), 489, and 111.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Scott Hodes, of Chicago, Ill., on motion of Mr. Scott W. Lucas; Kenneth Holniker, of Baltimore, Md., on motion of Mr. Carlton R. Sickles; Walter A. Kleinert, of Detroit, Mich., Chase S. Osborn, of Port Huron, Mich., and Robert A. Straub, of Ann Arbor, Mich., on motion of Mr. B. K. Wheeler; Jack Petree, of Memphis, Tenn., and Raymond B. Witt, Jr., of Chattanooga, Tenn., on motion of Mr. S. Frank Fowler; John Shelton Luton, of Nashville, Tenn., on motion of Mr. K. Harlan Dodson, Jr.; Jerald S. Galowich, of Joliet, Ill., on motion of Mr. Peter N. Chumbris; Harry L. Riggs, Jr., of Erlanger, Ky., on motion of Mr. Thomas B. Columbus; F. Burton Howard, of Salt Lake City, Utah, on motion of Mr. Alonzo Pratt Kesler; Stanley L. Feldstein, of San Juan, P.R., on motion of Mr. Harvey B. Nachman; and Alan Leon Wurtzel, of Bethesda, Md., on motion of Mr. Daniel Morris Singer, were admitted to practice.

ORAL ARGUMENT

No. 490. John L. Brady, petitioner, *v.* Maryland. Argument continued by Mr. Thomas W. Jamison III for the respondent and concluded by Mr. E. Clinton Bamberger, Jr., for the petitioner.

No. 512. James Basham, petitioner, *v.* Pennsylvania Railroad Company. Argued by Mr. Ira Gammerman for the petitioner and by Mr. David J. Mountan, Jr., for the respondent.

No. 39. Jose Maria Gastelum-Quinones, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States; and

No. 293. Jose Maria Gastelum-Quinones, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. Argued by Mr. David Rein for the petitioner and by Mr. Bruce J. Terris for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 20, 1963, will be as follows: Nos. 489, 111, 178, 217, and 229.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Paul Robbins, of Balboa Heights, C.Z., on motion of Mr. W. M. Whitman; Charles C. Moore, Jr., of Washington, D.C., and Everette G. Truly, of Natchez, Miss., on motion of Mr. James McI. Henderson; Paul F. Kelly, of San Mateo, Calif., on motion of Mr. Lyon L. Tyler, Jr.; Lawrence A. Hymo, of Washington, D.C., on motion of Mr. Irwin H. Rimel; Walter Franklin Norris, of Washington, D.C., on motion of Mr. Theodore Lawrence Jones; and Avon N. Williams, Jr., of Nashville, Tenn., on motion of Mr. Jack Greenberg, were admitted to practice.

ORAL ARGUMENT

No. 489. Raymond Downum, petitioner, *v.* United States. Argued by Mr. Richard Tinsman for the petitioner and by Mr. William A. Geoghegan for the respondent.

No. 111. William M. Ferguson, Attorney General for the State of Kansas, et al., appellants, *v.* Frank C. Skrupa, d/b/a Credit Advisors. Argued by Mr. William M. Ferguson for the appellants and by Mr. Lawrence Weigand for the appellee.

No. 178. State Tax Commission of Utah, petitioner, *v.* Pacific States Cast Iron Pipe Co. Argued by Mr. F. Burton Howard for the petitioner and by Mr. C. M. Gilmour for the respondent.

No. 217. Josephine Goss et al., petitioners, *v.* The Board of Education of the City of Knoxville, Tennessee, et al. Two and one-half hours allowed for oral argument. Argument commenced by Mr. Jack Greenberg for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 21, 1963, will be as follows: Nos. 217, 229, 297, and 322.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Harold B. Stone, of Dallas, Tex., on motion of Mr. Ralph W. Yarborough; J. Richard Gaier, of Piqua, Ohio, and Dimitri P. Nicholas, of Piqua, Ohio, on motion of Mr. Jackson E. Betts; Harold J. Rioridan, of San Francisco, Calif., on motion of Mr. Louis F. Claiborne; Stuart J. Land, of Washington, D.C., on motion of Mr. Denis G. Lyons; Augustus S. Ballard, of Philadelphia, Pa., on motion of Mr. Leonard J. Emmerglick; Sherwin L. Memel, of Los Angeles, Calif., on motion of Mr. Harold Leventhal; Gerard P. Watson, of Brooklyn, N.Y., on motion of Mr. Wilbur H. Hecht; John F. Burgan, of Baltimore, Md., on motion of Mr. Carl Bassett, Jr.; Lee G. Lovett, of Rockville, Md., and John N. Papaioanu, of Arlington, Va., on motion of Mr. Eliot C. Lovett; Perry S. Bechtle, of Philadelphia, Pa., and Martin H. Philip, of Palmerton, Pa., on motion of Mr. Thomas E. Byrne, Jr.; and William J. Wright, of Lancaster, Calif., on motion of Mr. Bernard Rowitz, were admitted to practice.

ORAL ARGUMENT

No. 217. Josephine Goss et al., petitioners, *v.* The Board of Education of the City of Knoxville, Tennessee, et al. Argument continued by Mr. Burke Marshall for the United States, as *amicus curiae*, by Mr. Harlan Dodson and Mr. S. Frank Fowler for the respondents, by Mr. Jack Petree for the Board of Education of the Memphis City Schools, as *amicus curiae*, and concluded by Mr. Jack Greenberg for the petitioners.

No. 229. Federico Marin Gutierrez, petitioner, *v.* Waterman Steamship Corp. Argued by Mr. Harvey B. Nachman for the petitioner and by Mr. Antonio M. Bird for the respondent.

No. 297. Dixilyn Drilling Corporation, petitioner, *v.* Crescent Towing and Salvage Company. Argued by Mrs. E. D. Vickery for the petitioner and by Mr. Charles Kohlmeyer, Jr., for the respondent.

Adjourned until Monday, March 25, 1963, at 10 o'clock.

The day call for Monday, March 25, 1963, will be as follows: **322**, **316**, **491** (and **494**), and **164**.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Allan Gillies, of Washington, D.C., Kenneth William Whittaker, of Washington, D.C., Arthur A. Frankl, of Washington, D.C., Arthur G. Bowman, of Glendale, Calif., Robert W. Yost, of St. Louis, Mo., Arthur I. Rosett, of New York, N.Y., Joseph V. Waters, of Merrick, N.Y., and Woodrow Pershing Lipscomb, of Alexandria, Va., on motion of Mr. Solicitor General Archibald Cox; James B. West, of Bellefontaine, Ohio, on motion of Mr. Jackson E. Betts; Robert Louis Green, of Memphis, Tenn., on motion of Mr. Clifford Davis; Martin F. Richman, of New York, N.Y., on motion of Mr. Wayne Goodwin Barnett; Arthur R. Maier, Jr., of Boston, Mass., and Paul W. McEntire, of Dade City, Fla., on motion of Mr. Robert Davis Powers, Jr.; Martin J. Haley, of Sacramento, Calif., on motion of Mr. Walter I. Horlick; Reuben G. Clark, Jr., of Washington, D.C., and Graham B. Moody, Jr., of San Francisco, Calif., on motion of Mr. John H. Pickering; Sherwood Spencer, of Hollywood, Fla., on motion of Mr. F. Trowbridge vom Baur; Nick C. Spanos, of Los Angeles, Calif., on motion of Mr. Eugene Gressman; Beverly Anne Groner, of Chevy Chase, Md., on motion of Mr. Samuel Brian Groner; Wm. Reece Smith, Jr., of Tampa, Fla., on motion of Mr. John E. Nolen, Jr.; Thomas J. Cavanaugh, of Glendive, Mont., on motion of Mr. Frank J. Barry, Jr.; Stanley Eugene Siegel, of Aberdeen, S. Dak., on motion of Mr. Harvey J. Gunderson; John Donald Smyers, of New York, N.Y., and Robert Raine Smyers, of Washington, D.C., on motion of Mr. Thomas P. Kerester; Robert L. Clare, Jr., of New York, N.Y., on motion of Mr. Wm. Harvey Reeves; Edward J. Hanley, of Lansing, Ill., and James E. Land, of Chicago, Ill., on motion of Mr. Earl R. Stanley; William R. Jacox, of Dayton, Ohio, on motion of Mr. Felix A. Russell; Justin N. Feldman, of New York, N.Y., on motion of Mr. Julian Howard Singman; John S. Brunson, of Houston, Tex., and Lloyd M. Lunsford, of South Houston, Tex., on motion of Mr. Charles Dillingham; Bennet Kleinman, of Cleveland, Ohio, Jordan Derwin, of New York, N.Y., and Martin Garbus, of New York, N.Y., on motion of Mr. Ephraim S. London; William Cant McClearn, of Denver, Colo., on motion of Mr. Patrick M. Westfeldt; Thomas B. Fifield, of Milwaukee, Wis., on motion of Mr. George P. Lamb; Fred-

erick H. Bruenner, of New York, N.Y., on motion of Mr. Joseph P. Tumulty, Jr.; and Thomas Omar Lawson, of Fairfax, Va., Quin S. Elson, of Fairfax, Va., George L. Freeman, Jr., of Fairfax, Va., Ralph G. Louk, of Fairfax, Va., and Donald Cameron Crouse, of Fairfax, Va., on motion of Mr. Barnard F. Jennings, were admitted to practice.

OPINIONS

No. 6. Theodore R. Gibson, petitioner, *v.* Florida Legislative Investigation Committee. On writ of certiorari to the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Concurring opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark, Mr. Justice Stewart, and Mr. Justice White join. Dissenting opinion by Mr. Justice White.

No. 9. Beatrice Lynumn, petitioner, *v.* Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment reversed and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 511. James E. Bush, petitioner, *v.* Texas. On writ of certiorari to the Court of Criminal Appeals of Texas. Judgment reversed and case remanded to the Court of Criminal Appeals of Texas for consideration in light of subsequent developments. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 55. The Michigan National Bank, petitioner, *v.* Earl T. Robertson et al.; and

No. 64. The Michigan National Bank, petitioner, *v.* Elvin E. Hills et al. On petitions for writs of certiorari to the Supreme Court of Nebraska. Petitions for writs of certiorari granted. Judgments vacated and cases remanded to the Supreme Court of Nebraska for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black with whom Mr. Justice Douglas joins concurs in the result.

No. 762. Tar Asphalt Trucking Co., Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the District of New Jersey. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 415, Misc. Wayne Marlin Peterson, petitioner, *v.* Allen Circuit Court et al. On petition for writ of certiorari to the Supreme Court of Indiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Indiana for further consideration in light of *Lane v. Brown*, No. 283, October Term, 1962, decided March 18, 1963. Opinion *per curiam*.

ORDERS IN CASES

No. —. Flora Construction Company and Argus Construction Company, d/b/a Flora and Argus Construction Company, appellant, *v.* National Labor Relations Board. The motion of the appellant for leave to proceed *in forma pauperis* is denied.

No. 368. Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, *v.* Alberta Schermerhorn et al. The motion of Chamber of Commerce of the United States for leave to file a brief, as *amicus curiae* is granted. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

APPEAL—JURISDICTION NOTED

No. 791. United States et al., appellants, *v.* J. B. Montgomery, Inc. Appeal from the United States District Court for the District of Colorado. In this case probable jurisdiction is noted and case placed on the summary calendar.

CERTIORARI DENIED

No. 777. Donald G. Franklin, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 800. William J. Adams, d/b/a Beacon Hill Company, et al., petitioners, *v.* Myrtle G. Hirsch et al., d/b/a Beland Realty Company. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 804. The Borden Company, petitioner, *v.* L. B. Liddy, Secretary of Agriculture of the State of Iowa. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 805. The First National Bank of Memphis, petitioner, *v.* The Aetna Casualty and Surety Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 807. Sherman H. Skolnick, petitioner, *v.* Charles T. Martin et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 810. Wyoming et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 816. Blanche Peeke, Administratrix, etc., petitioner, *v.* Ellen M. Enoch et al. Petition for writ of certiorari to the Supreme Court of Illinois or Appellate Court of Illinois, First District, denied.

No. 820. Abraham Minker, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 843. James Richard Baker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 380. Brotherhood of Locomotive Engineers et al., petitioners, *v.* Rutland Railway Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 707. Alberta Gee et al., petitioners, *v.* Strachan Shipping Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 713. Eugene James Allegrucci, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied for the reason that the petition was not timely filed.

No. 749, Misc. Joseph Rosoto and John Frank Vlahovich, petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 867, Misc. Bitz Richardson, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 878, Misc. B. W. Tucker, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 880, Misc. John Simonetti, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 915, Misc. Robert E. Morgan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 920, **Misc.** Albert Lessard, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 933, **Misc.** Almars Elksnis, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 967, **Misc.** Charles James Golston, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 714, **Misc.** Glenn Dale Castle, petitioner, *v.* United States. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Fifth Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 956, **Misc.** Arrual Thomas et ux., petitioners, *v.* Ross V. Randolph, Warden, et al.;

No. 970, **Misc.** Ray G. Dodge et al., petitioner, *v.* Frank A. Eyman, Warden; and

No. 974, **Misc.** James C. Lattin, petitioner, *v.* Harold A. Cox, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

REHEARINGS DENIED

No. 611. Public Utility District No. 1 of Pend Oreille County, Washington, petitioner, *v.* Federal Power Commission et al.; and
No. 696. Harry H. Drill, petitioner, *v.* United States. Petitions for rehearing denied.

No. 135, **October Term, 1959.** George R. Dempster and Frances S. Dempster, petitioners, *v.* United States of America. Motion for leave to file petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

RECESS ORDER

The Court will take a recess from Monday, April 1, 1963, until Monday, April 15, 1963.

ORAL ARGUMENT

No. 322. Alexander T. Sperry, petitioner, *v.* State of Florida ex rel. The Florida Bar. Argued by Mr. Carlisle M. Moore for the petitioner and by Mr. F. Trowbridge von Baur for the respondent.

No. 316. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station employes, et al., petitioners, *v.* Anna Mae Allen et al. Argued by Mr. Milton Kramer for the petitioners and by Mr. Whiteford S. Blakeney for the respondents.

No. 491. Albert Andrews, petitioner, *v.* United States; and

No. 494. Robert L. Donovan, petitioner, *v.* United States. Argument commenced by Mr. E. Barrett Prettyman, Jr., for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 26, 1963, will be as follows: Nos. 491 (and 494), 164, 248, 305, and 97 (98, and 33).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Aloysius J. Castellano, of Morristown, N.J., on motion of Mr. Harrison A. Williams, Jr.; Arthur H. Connolly, Jr., of San Francisco, Calif., and William P. Gray, of Los Angeles, Calif., on motion of Mr. William Ramsey Clark; John A. Jenkins, of Columbus, Ohio, Melvin Orfinger, of Daytona Beach, Fla., and George M. Pavia, of New York, N.Y., on motion of Mr. Wayne Goodwin Barnett; Robert Edwin Fremlin, of Washington, D.C., on motion of Mr. Bruce J. Terris; Harry G. Hill, Jr., of Brooklyn, N.Y., on motion of Mr. Edward S. Kirby; Robert E. LaRue, of Denver, Colo., on motion of Mr. Edward A. McCabe; Stanton D. Rosenbaum, of Denver, Colo., on motion of Mr. Charles Rosenbaum; J. O. Terrell Couch, of Houston, Tex., on motion of Mr. Harold L. Kennedy; Terry Hunter Davis, Jr., of Norfolk, Va., on motion of Mr. George L. Freeman, Jr., and John P. McCarthy, of Chicago, Ill., on motion of Mr. William H. Clarke, were admitted to practice.

ORAL ARGUMENT

No. 491. Albert Andrews, petitioner, *v.* United States: and

No. 494. Robert L. Donovan, petitioner, *v.* United States. Argument continued by Mr. Wayne G. Barnett for the respondent and concluded by Mr. E. Barrett Prettyman, Jr., for the petitioners.

No. 164. Nico Jacobellis, appellant, *v.* Ohio. Argued by Mr. Ephraim London for the appellant and by Mr. John T. Corrigan for the appellee.

No. 248. George K. Rosenberg, District Director, Immigration and Naturalization Service, petitioner, *v.* George Fleuti. Argued by Mr. Philip R. Monahan for the petitioner and Mr. Hirman W. Kwan for the respondent.

No. 305. A. J. Whipple et al., petitioners, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Charles Dillingham for the petitioners and continued by Mr. Solicitor General Cox for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 27, 1963, will be as follows:
Nos. 305, 97 (98 and 99), and 146 (and 492).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

W. McLean Pitts, of Selma, Ala., Charles Joseph Monahan, of Washington, D.C., Lawrence Sinclair Smith, of Miami, Fla., and Richard L. Edgerton, of Omaha, Nebr., on motion of Mr. Solicitor General Archibald Cox; Richard Brooks Hardee, of Tyler, Tex., and Jay D. Howell, Jr., of Tyler, Tex., on motion of Mr. Ralph W. Yarborough; C. LaVerne Roberts, of Lansing, Mich., on motion of Mr. Charles E. Chamberlain; Peter Edward Donnelly, Jr., of Newport, R.I., on motion of Mr. John H. Fanning; Robert H. Shorb, of Washington, D.C., and John Palmer Bankson, Jr., of Washington, D.C., on motion of Mr. Neville Miller; Shirley Adelson Siegel, of New York, N.Y., on motion of Mrs. Dorothea Merrill Dryer; John H. Tregoning, of Wilmington, Del., on motion of Mr. Frederick Schafer; Ernest Fleischman, of New York, N.Y., on motion of Mr. Gerald B. Greenwald; Samuel Mandell, of Brooklyn, N.Y., on motion of Mr. Arthur L. Winn, Jr.; Douglas D. Robertson, of Norwell, Mass., on motion of Mr. James M. Carter; Meritt H. Steger, of San Antonio, Tex., John J. Phelan, Jr., of North Andover, Mass., and Albert H. Stein, of Bethesda, Md., on motion of Mr. Loren K. Olson; Bertram S. Futterman, of New York, N.Y., on motion of Mr. Y. Hillel Abrams; Joseph C. Conaty, of Falls Church, Va., on motion of Mr. Edwin A. Mooers; Charles W. Bennett, of Falls Church, Va., on motion of Mr. Henry J. Vinskey; and Leland W. Carr, Jr., of Lansing, Mich., on motion of Mr. John Holt Myers, were admitted to practice.

ORAL ARGUMENT

No. 305. A. J. Whipple et al., petitioners, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Solicitor General Cox for the respondent and concluded by Mrs. Charles Dillingham for the petitioners.

No. 97. The Baltimore & Ohio Railroad Company et al., appellants, *v.* Boston and Maine Railroad et al.;

No. 98. Maryland Port Authority et al., appellants, *v.* Boston and Maine Railroad et al.; and

No. 99. Interstate Commerce Commission, appellant, *v.* Boston and Maine Railroad et al. Three and one-half hours allowed for oral argument. Argued by Mr. Robert W. Ginnane, Mr. Jervis Langdon, Jr., and Mr. William L. Marbury for the appellants and by Mr. J. William Doolittle, Mr. Thomas E. Dewey, and Mr. Robert G. Bleakney, Jr., for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 28, 1963, will be as follows: Nos. 146 (and 492), 240, and 600.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Maryann S. Freedman, of Buffalo, N.Y., Robert P. Freedman, of Buffalo, N.Y., Bruce E. Clubb, of Washington, D.C., and Samuel D. Krause, of Fessenden, N. Dak., on motion of Mr. Solicitor General Archibald Cox; Robert T. O'Leary, of Butte, Mont., on motion of Mr. Lee Metcalf; Grace S. Day, of St. Joseph, Mo., and Gordian S. Benes, of St. Louis, Mo., on motion of Mr. Edward V. Long; James W. Heyer, of Denver, Colo., on motion of Mr. Gordon L. Allott; Joseph F. Holman, of Farmington, Maine, on motion of Mr. Stanley R. Tupper; Rose Baum Kraut, of Poughkeepsie, N.Y., on motion of Miss Beatrice Rosenberg; David Oppenheim, of New York, N.Y., on motion of Mr. David A. Lindsay; W. Walton Garrett, of Birmingham, Ala., on motion of Mr. Wiley S. Messick; Earl Waring Dunn, of Grand Rapids, Mich., on motion of Mr. Joseph F. Deeb; James Sollers Oneto, of Baltimore, Md., on motion of Mr. John P. Marshall; Clement Theodore Cooper, of Washington, D.C., on motion of Mr. William Beasley Harris; Robert Gayle Nunn, Jr., of Washington, D.C., on motion of Mr. Eugene F. Bogan; Henry H. Brylawski, of Washington, D.C., on motion of Mr. Fulton M. Brylawski; Robert Frederick Eisengrein, of Orlando, Fla., on motion of Mr. William Martin Joyce; Richard L. Daly, of St. Louis, Mo., and Robert J. O'Hanlon, of St. Louis, Mo., on motion of Mr. Sidney M. Glazer; and John Canelli, of Toledo, Ohio, on motion of Mr. Thomas B. Scott, were admitted to practice.

ORAL ARGUMENT

No. 146. The Colorado Anti-Discrimination Commission et al., petitioners, *v.* Continental Air Lines, Inc.; and

492 No. 942. Marlon D. Green, petitioner, *v.* Continental Air Lines, Inc. Three hours allowed for oral argument. Argued by Mr. T. Raber Taylor and Mr. Floyd B. Engeman for the petitioners, by Mr. Howard H. Jewel for the State of California, as *amicus curiae*, by special leave of Court, by Mrs. Shirley A. Siegel for the State of New York, as *amicus curiae*, by special leave of Court, and by Mr. Patrick M. Westfeldt for the respondent.

No. 240. Andre Maximov, etc., petitioner, *v.* United States.
Argued by Mr. David A. Lindsay for the petitioner and by Mr. Louis
F. Claiborne for the respondent.

Adjourned until Monday, April 1, 1963, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

CERTIORARI DENIED

No. 1293, Misc. Leslie Douglas Ashley and Carolyn Lima, petitioners, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Darwin Paul Kal, of Chicago, Ill., Albert Clanton Lowery, of Miami, Fla., Philip F. Marantz, of Los Angeles, Calif., and Garnett Glenn Reinhardt, of Atlanta, Ga., on motion of Mr. Solicitor General Archibald Cox; Margaret Faires Baily, of Reno, Nev., and Leslie M. Fry, of Reno, Nev., on motion of Mr. Alan Bible; Woodrow H. McClellan, of Little Rock, Ark., and Franklin Wilder, of Fort Smith, Ark., on motion of Mr. John L. McClellan; Clarence LeRoy Fitzwater, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Paul R. Donaldson, of Shaker Heights, Ohio, and Robert Taft, Jr., of Cincinnati, Ohio, on motion of Mr. Jackson E. Betts; Russel James Wildman, of Peru, Ind., on motion of Mr. J. Edward Roush; Donald Greenhut Joel, of New York, N.Y., on motion of Mr. Robert Grier Stephens, Jr.; Edward A. DeClerck, of Enid, Okla., on motion of Mr. Page Belcher; Francis Dickson Hand, Jr., of Atlanta, Ga., on motion of Mr. John W. Davis; Beverly Waugh Smith, Jr., of Baltimore, Md., on motion of Mr. Thurman W. Arnold; Ida McKinney, of Cleveland Heights, Ohio, on motion of Mr. Roy St. Lewis; Len. W. Holt, of Norfolk, Va., on motion of Mr. David Rein; Henry C. Bauer, of Silver Spring, Md., on motion of Mr. William Joseph Bray; John J. Stang, of LaCrosse, Kans., on motion of Mr. Robert J. Dole; Frank A. Neal, of San Francisco, Calif., on motion of Mr. James L. Dooley; Elton Kendall Clarke, of Portland, Oreg., on motion of Mr. Neil Brooks; William E. Mason, of Oak Park, Ill., on motion of Mr. Lowell B. Mason; Bill B. Betz, of Los Angeles, Calif., on motion of Mr. Mark H. Woolsey; Samuel Dorfman, of Richmond, Va., Andrew J. Carmichael, Jr., of Richmond, Va., Richard Carlyle Hoy, of Richmond, Va., and Greek P. Rice, of Richmond, Va., on motion of Mr. L. Paul Winings; Lucile Burd Wendt, of Arlington, Va., and C. Morten Wendt, of Arlington, Va., on motion of Mr. Thomas M. Raysor; Dorothea M. Klajbor, of Washington, D.C., Chester A. Nauminow, of Washington, D.C., Robert J. Rosenthal, of Washington, D.C., Wilfred L. Rothrock, of Washington, D.C., John Milone, Jr., of Washington, D.C., William S. Joy, of Chicago, Ill., Howard E. Meixner, of Louisville, Ky., Thomas W. Kennedy, of Medford, Mass., James S. Hunt, of Bethesda, Md., Harold Kaufman, of Silver

Spring, Md., Joe E. Moody, of Bethesda, Md., Alexander Sacks, of New York, N.Y., and Lawson B. Knott, Jr., of Arlington, Va., on motion of Mr. Thomas P. Kerester; and Frank J. Traversi, of San Diego, Calif., J. Edward Collins, of Honolulu, Hawaii, Philip T. Riley, of Des Moines, Iowa, Charles Vincent Morrissey, of Montclair, N.J., Anthony T. Dittmeier, of Reading, Ohio, John W. Purcell, of Harrisburg, Pa., Mary E. Sullivan McGonagle, of Pittsburgh, Pa., Edward F. C. McGonagle, of Pittsburgh, Pa., John E. Curley, of Pittsburgh, Pa., William J. McDonald, of Scranton, Pa., Frank J. Amabile, of Armonk, N.Y., Charles E. Rice, of Garden City, N.Y., James Austin Browne, of New York, N.Y., Alvan Sterling, of Scarsdale, N.Y., James Di Prete, Jr., of Cranston, R.I., James L. Taft, Jr., of Cranston, R.I., Paul P. Pederzani, Jr., of North Kingstown, R.I., James J. McAleer, Jr., of Providence, R.I., John Tramonti, Jr., of Providence, R.I., James P. Quirk, of Warwick, R.I., Stephen J. Brunero, Jr., of West Warwick, R.I., Thomas P. Salmon, of Bellows Falls, Vt., Frederick J. Glover, of Ludlow, Vt., Patrick O'Driscoll, of Arlington, Va., John F. Healy, of Arlington, Va., Thomas David Kenna, Jr., of Arlington, Mass., Joseph Weingarten, of Belmont, Mass., John Henry Brebbia, of Boston, Mass., John W. Burke, of Boston, Mass., Charles W. Capraro, of Boston, Mass., Robert P. Dolbec, of Boston, Mass., Francis E. Dooley, Jr., of Boston, Mass., Daniel Gerard Holland, of Boston, Mass., John B. Lucezzi, of Boston, Mass., John F. McCarty, of Boston, Mass., Raymond Carl McCulloch, of Boston, Mass., Joseph John Monaghan, of Boston, Mass., Philip F. Garity, of Braintree, Mass., William B. Hickey, of Brookline, Mass., Charles L. Shea, of Burlington, Mass., Thomas F. Murphy, of Burlington, Mass., Thomas A. Tyber, of Canton, Mass., Paul D. Maggioni, of Dedham, Mass., Wilfred J. Baranick, of Dover, Mass., Robert M. Laprade, of Easthampton, Mass., James W. Luby, of Framingham, Mass., Dermot P. Shea, of Granby, Mass., James Peter Cleary, Jr., of Haverhill, Mass., Gerard F. Lane, of Holbrook, Mass., Joseph C. King, of Lawrence, Mass., David J. Fenton, of Lowell, Mass., Manuel Moutinho, Jr., of Ludlow, Mass., David Lawrence Whitney, of Lynnfield, Mass., W. Lawrence McNeil, of Medford, Mass., P. Joseph Kenney, of Medway, Mass., Walter J. Connelly, of Milton, Mass., Arthur L. Glynn, of Natick, Mass., Garrett J. Cullen, Jr., of Needham, Mass., Michael F. Poczatek, of New Bedford, Mass., Edward F. Harrington, of New Bedford, Mass., Albert Poczatek, Jr., of New Bedford, Mass., Paul B. Dinkel, of Newton, Mass., Kieran T. Ridge, of Newton, Mass., Allan C. Cole, Jr., of Quincy, Mass., Janet M. Healy, of Quincy, Mass., John R. Serafini, of Salem, Mass., Edward J. Powers, of Shrewsbury, Mass., Harvey E. Lussier, of Springfield, Mass., Timothy J. Davern, of Swampscott, Mass., Edward F. Flynn,

Jr., of Swampscott, Mass., James M. Oates, Jr., of Watertown, Mass., Charles W. Brennan, of Wayland, Mass., Henry A. Letoile, of Wayland, Mass., Robert H. Gaughen, of Weymouth, Mass., Francis L. Kelly, of Weymouth, Mass., Charles T. Birmingham, Jr., of Wollaston, Mass., Cornelius S. Donoghue, Jr., of Worcester, Mass., and James F. Queenan, Jr., of Worcester, Mass., on motion of Mr. Robert F. Drinan, were admitted to practice.

OPINIONS

No. 65. Weyerhaeuser Steamship Company, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 178. State Tax Commission of Utah, petitioner, *v.* Pacific States Cast Iron Pipe Co. On writ of certiorari to the Supreme Court of Utah. Judgment reversed and case remanded to the Supreme Court of Utah for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 515. Richard R. Harshman, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment vacated and case remanded to the United States District Court for the Northern District of Illinois with instructions to dismiss the indictment. Opinion *per curiam*.

No. 516. Malcolm Lebert Parker, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment vacated and case remanded to the United States District Court for the Northern District of Illinois with instructions to dismiss the indictment. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 403. Banco Nacional de Cuba, petitioner, *v.* Peter L. F. Sabatino, etc., et al. The motion of Pan-American Life Insurance Company for leave to be heard, as *amicus curiae*, is granted to permit the filing of a brief but not to permit the presentation of oral argument.

No. 631. Alvin R. Campbell et al., petitioners, *v.* United States. The motion of the respondent to remove the case from the summary calendar is granted.

CERTIORARI GRANTED

No. 485. James B. Carey, as President of the International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* Westinghouse Electric Corporation. Petition for writ of certiorari to the Court of Appeals of New York granted limited to Question 1 presented by the petition which reads as follows:

"Whether a state court is pre-empted of its jurisdiction to enforce arbitration provisions of a collective bargaining agreement by compelling arbitration of a grievance alleging that the employer violated the agreement by assigning work covered by the agreement to employees outside the collective bargaining unit and refusing to apply the terms and provisions of the agreement to the performance of such work."

The case is placed on the summary calendar. The Solicitor General is invited to file a brief, as *amicus curiae*, expressing the views of the United States. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 673. Morris Gotthilf, petitioner, *v.* Benjamin Sills et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, granted and case placed on the summary calendar.

No. 808. Federal Power Commission, petitioner, *v.* Southern California Edison Company et al.; and

No. 822. City of Colton, California, petitioner, *v.* Southern California Edison Company et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 833. Aro Manufacturing Co., Inc., et al., petitioners, *v.* Convertible Top Replacement Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case placed on the summary calendar. The motion to use the record in *Aro Mfg. Co., Inc., et al. v. Convertible Top Replacement Co., Inc.*, No. 21, October Term, 1960, is granted.

CERTIORARI DENIED

No. 646. Frank Brown, petitioner, *v.* Robert G. Smith, Warden, Vermont State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 726. Robert Guippone, petitioner, *v.* United States;

No. 727. Matthew Palmieri, petitioner, *v.* United States;

No. 728. Charles Schiffman, petitioner, *v.* United States;
No. 729. Charles Tandler, petitioner, *v.* United States;
No. 791, **Misc.** Anthony Porcelli, petitioner, *v.* United States;
No. 899, **Misc.** Rocco Scopellitti, petitioner, *v.* United States; and
No. 948, **Misc.** Vito Agueci, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 771. Allen Dudley et al., petitioners, *v.* Orange County, Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 813. Ruth Bawden, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 815. Harvey F. Euge, petitioner, *v.* Missouri. Petition for writ of certiorari to the St. Louis Court of Appeals of Missouri denied.

No. 818. Universal Film Exchanges, Inc., et al., petitioners, *v.* Board of Finance and Revenue. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 819. Fernanda Misani, petitioner, *v.* Ortho Pharmaceutical Corp. et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 825. W. H. Dudgeon, Doing Business as All States Drive-Aways Agency, et al., petitioners, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 826. William A. Albaugh, etc., petitioner, *v.* Ralph R. Roberts, Clerk, United States House of Representatives. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 799. Truman Eugene Willard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1010, **Misc.** Johnnie Brown, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

REHEARINGS DENIED

No. 18. United States, appellant, *v.* National Dairy Products Corp. et al.;

No. 629. Alfred J. Hausfeld, petitioner, *v.* Robert N. Ziegler;

No. 711. National Bulk Carriers, Inc., etc., et al., petitioners, *v.* Mrs. Valerie Jean Gardner, Administratrix, etc.;

No. 721. Carson J. May, petitioner, *v.* Pennsylvania Railroad Company; and

No. 685, **Misc.** Claudia Walker, petitioner, *v.* Industrial Accident Commission of California et al. Petitions for rehearing denied.

No. 62. Northern Natural Gas Company, appellant, *v.* State Corporation Commission of the State of Kansas. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

No. 294, **Misc.** Rudolph Muller, petitioner, *v.* New York. Motion for leave to file petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

Adjourned until Monday, April 15, 1963, at 10 o'clock.

The day call for Monday, April 15, 1963, will be as follows: Nos. 12, **Original**, 392, and 600.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Julian E. Kulas, of Chicago, Ill., Robert E. Harding, Jr., of New York, N.Y., Max Ray Murphy, of East Lansing, Mich., Lawrence D. Gaughan, of Missoula, Mont., Peter L. Hughes III, of Union, N.J., Irwin I. Kimmelman, of Newark, N.J., Joseph S. Seidel of Springfield, N.J., John Grant Willis, of New York, N.Y., and William J. Dammarell, of Cincinnati, Ohio, on motion of Mr. Solicitor General Archibald Cox; Kenneth K. Saruwatari, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; Cecil B. Nance, Jr., of West Memphis, Ark., on motion of Mr. E. C. Gathings; Owen C. Pearce, of Fort Smith, Ark., on motion of Mr. James W. Trimble; Bertram George Davis, of Indianapolis, Ind., on motion of Mr. George N. Craig; Robert Fleming Pyatt, of Hobbs, N. Mex., on motion of Mr. Earl E. Hartley; Jesse M. Charlton, Jr., of Eunice, La., and William C. Vinet, Jr., of New Orleans, La., on motion of Mr. Carl G. Moore; Robert S. Currey, of Mishawaka, Ind., on motion of Mr. J. Walter Yeagley; Miriam M. Robinson, of New York, N.Y., on motion of Mr. Lewis H. Shapiro; Robert D. Horner, of Cleveland, Ohio, on motion of Mr. William P. Smith; Geraldine R. Keyes, of Fairfax, Va., and Ardith M. Horne, of Washington, D.C., on motion of Mr. Charles J. Ribar; William Saxe Zeman, of Hartford, Conn., on motion of Mr. Mozart G. Ratner; Robert William Long, of Ashland, Pa., and Henry C. Rubin, of Silver Spring, Md., on motion of Mr. A. Bruce Wright; Charles E. Pfund, of Boston, Mass., on motion of Mr. George R. Douglas, Jr.; Sidney Cohen, of Brooklyn, N.Y., and Benjamin Liebov, of Brooklyn, N.Y., on motion of Mr. Cyril S. Lawrence; Fernando Ruiz-Suria, of San Juan, P.R., on motion of Mr. William Simon; Volney Frederick Morin, of Hollywood, Calif., on motion of Mr. James M. Schuette; Arthur Frederick James, of Toledo, Ohio, and Steven Timonere, of Toledo, Ohio, on motion of Mr. Stuart J. Land; Austin Brown Noble, of Burlington, Vt., on motion of Mr. Thomas M. Debevoise; John H. Ames, of Milwaukee, Wisc., on motion of Mr. Arnold H. Weiss; Edwin P. Hirsch, of Newark, N.J., on motion of Mr. Arnold H. Hirsch; John M. Cleary, of Washington, D.C., on motion of Mr. John F. Donelan; John M.

Calimafde, of New York, N.Y., on motion of Mr. Ralph B. Stewart; Forrest E. Washburn, of Reed City, Mich., on motion of Mr. Arthur A. Steffan; Nick G. Onychuk, of Detroit, Mich., on motion of Mr. William Wolcott Goodrich; Joseph J. Nolan, of Wakefield, Mass., on motion of Mr. Robert B. Nolan; and Newell Edenfield, of Atlanta, Ga., Willie Dan Greer, of Decatur, Ga., and William H. Major, of Atlanta, Ga., on motion of Mr. Lamar W. Sizemore, were admitted to practice.

OPINIONS

No. 61. International Association of Machinists, AFL-CIO, et al., petitioners, *v.* Central Airlines, Inc. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White.

No. 70. Irving J. Wolf et al., petitioners, *v.* Arnold A. Weinstein et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Writ dismissed as improvidently granted insofar as it granted review of judgment of Court of Appeals in its case No. 27,000, but reversed insofar as it relates to its case No. 26,362. Case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins concurring in the partial dismissal of the writ and dissenting from reversal of judgment in case No. 26,362.

No. 430. Arrow Transportation Company et al., petitioners, *v.* Southern Railway Company et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Clark with whom Mr. Chief Justice Warren and Mr. Justice Black join.

No. 31. H. P. Dugan et al., petitioners, *v.* Everett G. Rank et al.; and

No. 115. The Delano-Earlimart Irrigation District et al., petitioners, *v.* Everett G. Rank et al. On writs of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment as to the dismissal of the United States as a party affirmed. As for the local Reclamation Bureau officials and the Irrigation and Utility Districts are concerned, judgment reversed and case remanded to the Court of Appeals with directions that it remand the case to the United States District Court for the Southern District of California with instructions that the same be dismissed. Opinion by Mr. Justice Clark. Mr. Chief Justice Warren took no part in the consideration or decision of these cases.

No. 51. City of Fresno, petitioner, *v.* California et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment, insofar as it relates to the City of Fresno, affirmed and case remanded to the Court of Appeals with directions to vacate the judgment of the United States District Court for the Southern District of California and remand the case with instructions to dismiss the same. Opinion by Mr. Justice Clark. Mr. Chief Justice Warren took no part in the consideration or decision of this case.

No. 297. Dixilyn Drilling Corporation, petitioner, *v.* Crescent Towing & Salvage Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Harlan.

No. 512. James Basham, petitioner, *v.* Pennsylvania Railroad Company. On writ of certiorari to the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 768. Lester C. Newton Trucking Company et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Delaware. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 781. Clinton T. Johnson et ux., appellants, *v.* California. Appeal from the District Court of Appeal of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 803. Salt River Project Agricultural Improvement and Power District, appellant, *v.* The City of Mesa. Appeal from the Supreme Court of Arizona. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 809. Milton M. Karpel, appellant, *v.* California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 814. W. M. Daniels, appellant, *v.* United States et al. Appeal from the United States District Court for the District of Montana. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 827. Lila Meyerkorth et al., appellants, *v.* Nebraska et al. Appeal from the Supreme Court of Nebraska. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 853. Betty Johnson, appellant, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 854. George Fuqua, appellant, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1, Misc. Alfred L. Johnson, alias Albert L. Johnson, petitioner, *v.* Alfred F. Dowd, Warden. On petition for writ of certiorari to the Supreme Court of Indiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Indiana for further consideration in light of *Lane v. Brown*, 372 U.S. 477. Opinion *per curiam*.

No. 4, Misc. Leonard C. Thompson, petitioner, *v.* Indiana. On petition for writ of certiorari to the Supreme Court of Indiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Indiana for further consideration in light of *Lane v. Brown*, 372 U.S. 477. Opinion *per curiam*.

No. 17, Misc. Philip Craig, petitioner, *v.* Indiana. On petition for writ of certiorari to the Supreme Court of Indiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Indiana for further consideration in light of *Lane v. Brown*, 372 U.S. 477. Opinion *per curiam*.

No. 63, Misc. Alan B. Luckman, petitioner, *v.* Walter Dunbar, Director of Department of Corrections, et al. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to

proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 70, Misc. Nathan Boyd Holmes, petitioner, *v. California et al.* On petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their opinions in *Douglas v. California*, 372 U.S. 358, 360. Mr. Justice White took no part in the consideration or decision of this case.

No. 134, Misc. William Leon Barber, Sr., petitioner, *v. Virginia*. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Appeals of Virginia for further consideration in light of *Griffin v. Illinois*, 351 U. S. 12, and *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*.

No. 301, Misc. Alfred Glen Symons, petitioner *v. California*. On petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 360, Misc. Clarence Tucker, petitioner, *v. Indiana*. On petition for writ of certiorari to the Supreme Court of Indiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Indiana for further consideration in light of *Lane v. Brown*, 372 U.S. 477. Opinion *per curiam*.

No. 444, Misc. Roy Francis Holloman, petitioner, *v. Virginia*. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Appeals of Virginia for further considera-

tion in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*.

No. 534, **Misc.** Walter Williams, petitioner, *v. California et al.* On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 599, **Misc.** John Joseph Collins, petitioner, *v. California*. On petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 718, **Misc.** Paul Puntari, appellant, *v. Pennsylvania*. Appeal from the Supreme Court of Pennsylvania, Western District. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

ORDERS IN PENDING CASES

No. 34. William Douglas and Bennie Will Meyes, petitioners, *v. California*. The motion for allowance of attorney's transportation expenses is denied.

No. 482. Local No. 207, International Association of Bridge, Structural and Ornamental Iron Workers Union, et al., petitioners, *v. Jacob Perko*; and

No. 541. Local 100 of the United Association of Journeymen and Apprentices, petitioner, *v. H. N. Borden*. The motion of American Federation of Labor and Congress of Industrial Organizations for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

APPEAL—JURISDICTION NOTED

No. 783. United States, appellant, *v. David Thomas Healy et al.* Appeal from the United States District Court for the Southern District of Florida. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 876. Italia Societa Per Azioni di Navigazione, petitioner, *v.* Oregon Stevedoring Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 585. Israel Dresner et al., petitioners, *v.* City of Tallahassee. Petition for writ of certiorari to the Circuit Court of Florida, Second Judicial Circuit, granted. Counsel are directed to brief and argue, in addition to the merits, the question of whether the judgment is supported by adequate state grounds.

No. 737. Marguerite Loretta Aldrich, petitioner, *v.* William T. Aldrich et al. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia granted and case placed on the summary calendar.

No. 738. Honorable Francis L. Van Dusen, Judge, etc., et al., petitioners, *v.* Roberta Barrack, Administratrix, etc., et al.; and

No. 851. Francis L. Van Dusen, United States District Judge, et al., petitioners, *v.* Roberta Barrack, Administratrix, etc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit granted. Cases consolidated and a total of two hours allotted for oral argument.

No. 844. Harold A. Boire, Regional Director, Twelfth Region, National Labor Relations Board, petitioner, *v.* The Greybound Corporation. The motion of Amalgamated Association of Street, Electric Railway and Motor Coach Employes of America, AFL-CIO for leave to file a brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 17. Ideal Farms, Inc., and Franklin Lakes Dairy Producers, Inc., petitioners, *v.* Orville L. Freeman, Secretary of Agriculture of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 720. Melvin Davis Rees, Jr., petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 765. Pfeiffer Electric Company, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Sixth Supreme Judicial District, denied.

No. 836. Chemical Corporation of America, petitioner, *v.* Anheuser-Busch, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 837. Loring J. Whiteside, petitioner, *v. J. Edward Slavin et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 838. Charter Wire, Inc., petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 839. Orville P. Fox et al., petitioners, *v. Northern Illinois Development Corporation, etc.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 840. Gerald Milton Seidler, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 847. Armour Research Foundation of Illinois Institute of Technology, petitioner, *v. Chicago, Rock Island and Pacific Railroad Company.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 848. Pasquale Albanese et al., petitioners, *v. Sacramento County Board of Equalization et al.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 849. William A. Mousley et ux., petitioners, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 852. Teitelbaum Furs, Inc., et al., petitioners, *v. American Home Insurance Company et al.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 856. William H. Jefferson, petitioner, *v. Taiyo Kaiun K.K., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 857. Myles Harper, petitioner, *v. Illinois.* Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 858. Yacimientos Petroliferos Fiscales, petitioner, *v. Paragon Oil Co., Inc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 859. Kalman Greenhill and Frank Proctor, Jr., petitioners, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 860. Illinois Protestant Children's Home, petitioner, *v. Department of Public Welfare of State of Illinois et al.* Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 865. John R. Cole, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 868. Charles Leroy Melquist, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 869. Shell Oil Company, petitioner, *v.* C. P. McKnight and H. H. Green. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 870. The Congregation of Sisters of Charity of the Incarnate Word, petitioner, *v.* The City of San Antonio, Texas, et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Tenth Supreme Judicial District, denied.

No. 871. Progress Development Corporation, petitioner, *v.* Deerfield Park District. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 872. Alfred L. Ochs et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 920. The Southeast Texas Chapter of National Electrical Contractors Association et al., petitioners, *v.* Texas. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Sixth Supreme Judicial District, denied.

No. 829. John Soderman, petitioner, *v.* United States Civil Service Commission, etc. The motion to dispense with printing the petition for writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 16, Misc. Gordon J. Tennison, petitioner, *v.* The District Court of Iowa in and for Lee County. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 38, Misc. James Paxton, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 52, Misc. Frank M. Atkinson, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 368, Misc. Sidney D. Jones, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia, denied.

No. 542, Misc. George Gilbert and Jess Brown, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 638, Misc. Lindburgh Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 662, *Misc.* Clone S. Clay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 768, *Misc.* George Danielson, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 772, *Misc.* Judson E. Holt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 795, *Misc.* Henry E. Hansen, petitioner, *v.* Wisconsin et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 828, *Misc.* David Berry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 834, *Misc.* Roy Lee Smartt, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 853, *Misc.* Walter Thomson, petitioner, *v.* Hon. Bert H. Tunks, District Judge, et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 862, *Misc.* M. O. Dantzler, petitioner, *v.* Dictograph Products, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 873, *Misc.* William Wells, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 892, *Misc.* C. J. Williams, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 893, *Misc.* Eddie White, Sr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 894, *Misc.* George Lewis Creswell, petitioner, *v.* Director, Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 900, *Misc.* Avery L. Lee, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Circuit Court of Baltimore County, Maryland, denied.

No. 903, *Misc.* Curtis Orneal McKeithan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 905, *Misc.* Frederick Gray, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 913, *Misc.* James M. Chaffin, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 914, *Misc.* Frederick W. Boyer, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 919, *Misc.* Jerry W. Fryson, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 921, *Misc.* William Lupo, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 925, *Misc.* William Coleman, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 931, *Misc.* Albert Vernon Madsen, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 932, *Misc.* Byron R. Ball, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 951, *Misc.* Walter Edwards, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1033, *Misc.* Clifton L. Gravette, petitioner, *v.* Curtis Reid, Superintendent, District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 839, *Misc.* Louis C. White, petitioner, *v.* California;

No. 950, *Misc.* John Threatt, petitioner, *v.* United States; and

No. 994, *Misc.* Robert Morton, petitioner, *v.* Georgia. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1039, *Misc.* Louis M. Grieco, petitioner, *v.* Harold V. Langlois, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 993, *Misc.* In the Matter of James Wilson, petitioner;

No. 1001, *Misc.* Maurice X. Walker, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution; and

No. 1100, **Misc.** Kalman Greenhill and Frank Proctor, Jr., petitioners, *v.* Richard T. Rives et al., Circuit Judges of the United States Court of Appeals for the Fifth Circuit. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 717. Lynchburg Traffic Bureau, petitioner, *v.* Smith's Transfer Corporation of Staunton, Virginia;

No. 756. Orion T. Whiting, Jr., and Lucretia Killings, petitioners, *v.* United States;

No. 822, **Misc.** Walter Otto, petitioner, *v.* Jay Marvin Lauer; and No. 845, **Misc.** Walter Otto, etc., petitioner, *v.* Hon. Frank R. Somers, Mayor of the City of Dayton, Ohio, et al. Petitions for rehearing denied.

No. 256. In the Matter of the Estate of Annie E. Hurst, Deceased. Motion for leave to file a third petition for rehearing denied.

ORAL ARGUMENT

No. 12, **Original.** State of Hawaii, plaintiff, *v.* Kermit Gordon. Argued by Mr. Bert T. Kobayashi and Mr. Dennis G. Lyons for the plaintiff and by Mr. Wayne G. Barnett for the defendant. Memoranda to come.

No. 392. Agnes K. Head, d/b/a Lea County Publishing Co., et al., appellants, *v.* New Mexico Board of Examiners in Optometry. Three hours allowed for oral argument. Argument commenced by Mr. Carol J. Head for the appellants and continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 16, 1963, will be as follows: Nos. 392, 600, 401, and 405.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

John V. Grady, of Clinton, Mass., on motion of Mr. Solicitor General Archibald Cox; Ellis Jackson Parker III, of Birmingham, Ala., on motion of Mr. Wiley S. Messick; David Parson, of Chicago, Ill., on motion of Mr. Theodore George Gilinsky; Edward L. Lanigan, of Lawrence, Mass., on motion of Mr. James Thaddeus Clark; George C. Grant, of Macon, Ga., on motion of Mr. T. Baldwin Martin; James E. McLaughlin, of Pittsburgh, Pa., on motion of Mr. Charles Alan Wright; Oscar William Olson, Jr., of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Sidney W. Albert, of Baltimore, Md., on motion of Mr. Fred E. Weisgal; Laurence J. Cohen, of Washington, D.C., on motion of Mr. Louis Sherman; Jas. R. Patton, Jr., of McLean, Va., on motion of Mr. John G. Laylin; and Giles D. H. Synder, of New York, N.Y., on motion of Mr. William C. Hart, were admitted to practice.

ORAL ARGUMENT

No. 392. Agnes K. Head, d/b/a Lea County Publishing Co., et al., appellants, *v.* New Mexico Board of Examiners in Optometry. Argument continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, by Mr. Earl E. Hartley and Mr. Robert Pyatt for the appellee and concluded by Mr. Carol J. Head for the appellants.

No. 600. Robert Galloway White, petitioner, *v.* Maryland. Argued by Mr. Fred E. Weisgal for the petitioner and by Mr. Robert F. Sweeney for the respondent.

No. 401. United States for the Use of H. W. Moseley, d/b/a Moseley Plumbing and Heating Company, petitioner, *v.* Electronic & Missile Facilities, Inc., et al. Argument commenced by Mr. George C. Grant for the petitioner and continued by Mr. Newell Edenfield for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 17, 1963, will be as follows: Nos. 401, 405, 414, 424, and 404.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Kenneth J. Robinson, of Detroit, Mich., on motion of Mr. James G. O'Hara; Alice Kolnick, of Lincolnwood, Ill., Milton J. Wallace, of Miami, Fla., and Emanuel Gyler, of Long Beach, Calif., on motion of Mr. Richard M. Roberts; Derrick A. Bell, Jr., of Pittsburgh, Pa., on motion of Mrs. Julia Perry Cooper; Dennis C. Harrington, of Pittsburgh, Pa., on motion of Mr. James E. McLaughlin; Leonard L. Matthews, of Boston, Mass., on motion of Mr. Charles Jay Pilzer; Marvin Menaker, of Dallas, Tex., on motion of Mr. Edward B. Rosenberg; Allan Rodgers Moltzen, of San Francisco, Calif., on motion of Mr. Delmar W. Holloman; Leo Blacher, of Malden, Mass., and Earle Westgate Putnam, of Arlington, Va., on motion of Mr. Bernard Cushman; Richard W. Look, of Wyandotte, Mich., on motion of Mr. Charles M. Noone; Thomas Ryan Prewitt, of Memphis, Tenn., on motion of Mr. Harry C. Pierotti; and Edward Robert Holmberg, Jr., of Waukegan, Ill., on motion of Mr. Donald E. Deuster; were admitted to practice.

ORAL ARGUMENT

No. 401. United States for the Use of H. W. Moseley, d/b/a Moseley Plumbing and Heating Company, petitioner, *v.* Electronic & Misile Facilities, Inc., et al. Argument continued by Mr. Newell Edenfield for the respondents and concluded by Mr. George C. Grant for the petitioner.

No. 405. United States, petitioner, *v.* Pioneer American Insurance Company et al. Argued by Mr. Richard M. Roberts for the petitioner and by Mr. Owen C. Pearce for the respondents.

No. 414. Michael Shenker, petitioner, *v.* The Baltimore and Ohio Railroad Company. Argued by Mr. Charles Alan Wright for the petitioner and by Mr. Alexander H. Hadden for the respondent.

No. 424. I. A. Watson, Jr., et al., petitioners, *v.* City of Memphis et al. Argument commenced by Mrs. Constance B. Motley for the petitioners and continued by Mr. Thomas R. Prewitt for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 18, 1963, will be as follows: Nos. 424, 404, 368, 463, and 509.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Louis Kerlinsky, of Springfield, Mass., Victor M. Earle III, of New York, N.Y., Bernard N. Freudenfeld, of Milwaukee, Wis., and Edward Corrigan, of Cleveland, Ohio, on motion of Mr. Solicitor General Archibald Cox; John L. Beckley, of McArthur, Ohio, and Bernard V. Fultz, of Middleport, Ohio, on motion of Mr. Homer E. Abele; Waller M. Collie, Jr., of Dallas, Tex., on motion of Mr. William Ramsey Clark; Bob Lynn Edwards, of Richmond, Calif., on motion of Mr. Joseph F. Spaniol, Jr.; Robert Anderson Dunham, of San Antonio, Tex., Francis V. Hanify, of Belmont, Mass., and Saul Lawrence Victor, of New York, N.Y., on motion of Mr. Walter I. Horlick; G. B. Herring, of Canton, Miss., on motion of Mr. William E. Cresswell; Theodore H. Friedman, of New York, N.Y., on motion of Mr. Leonard E. Ackermann; Martin S. Thaler, of Washington, D.C., on motion of Mr. Isaiah Guyman Martin, Jr.; Edwin Fortune Russell, of Brooklyn, N.Y., on motion of Mr. J. David Mann, Jr.; E. David Rosen, of Miami, Fla., on motion of Mr. Harry Friedman; David L. Benetar, of New York, N.Y., on motion of Mr. Henry H. Nordlinger; I. Leonard Kovitz, of Chicago, Ill., on motion of Mr. Hyman Smollar; Jess Paul Santo, of Detroit, Mich., on motion of Mr. Charles Stanley Hall; and William Carlton Schultz, Jr., of Philadelphia, Pa., and James Frank Young, of Philadelphia, Pa., on motion of Mr. Thomas E. Byrne, Jr., were admitted to practice.

ORAL ARGUMENT

No. 424. I. A. Watson, Jr., et al., petitioners, *v.* City of Memphis et al. Argument continued by Mr. Thomas R. Prewitt for the respondents and concluded by Mrs. Constance B. Motley for the petitioners.

No. 404. National Labor Relations Board, petitioner, *v.* General Motors Corporation. Argued by Mr. Solicitor General Cox for the petitioner and by Mr. Harry S. Benjamin, Jr., for the respondent.

No. 368. Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, *v.* Alberta Schermerhorn et al. Argued by Mr. S. G. Lippman for the petitioners and by Mr. Bernard B. Weksler for the respondents.

No. 463. Thomas I. Fitzgerald, Public Administrator of the County of New York, etc., petitioner, *v.* United States Lines Company. Argued by Mr. Theodore H. Friedman for the petitioner and by Mr. Matthew L. Danahar for the respondent.

Adjourned until Monday, April 22, 1963, at 10 o'clock.

The day call for Monday, April 22, 1963, will be as follows: Nos. 509, 506, 464, 493, and 480.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

James W. Ambrose, of Pittsburgh, Pa., Alfred Legelis, of Boston, Mass., Martin S. Mandon, of Paterson, N.J., Les J. Weinstein, of Washington, D.C., David B. Filvaroff, of Cleveland, Ohio, and Richard Wernersbach, of Akron, Ohio, on motion of Mr. Solicitor General Archibald Cox; Thomas F. Eagleton, of St. Louis, Mo., J. Gordon Siddens, of Kansas City, Mo., John H. Denman, of Jefferson City, Mo., Charles B. Burns, Jr., of Brookfield, Mo., Joseph Nessenfeld, of St. Louis, Mo., and George W. Draper II, of St. Louis, Mo., on motion of Mr. Edward V. Long; Paul L. Douglas, of Lincoln, Nebr., on motion of Mr. Carl T. Curtis; John N. Vlachos, of Kalamazoo, Mich., and Robert E. Meader, of Ann Arbor, Mich., on motion of Mr. George Meader; Frederick John Cartolano, of Cincinnati, Ohio, Robert S. Kraft, of Cincinnati, Ohio, and Richard F. Plechner, of Metuchen, N.J., on motion of Mr. Robert Taft, Jr.; Jack E. Horsley, of Mattoon, Ill., William E. Larrabee, of Mattoon, Ill., Howard W. Campbell, of Mt. Vernon, Ill., Loren J. Kabbes, of Mattoon, Ill., and Robert M. Werden, of Mattoon, Ill., on motion of Mr. William Lee Springer; Robert Weldon Smith, of Dallas, Tex., on motion of Mr. William Ramsey Clark; Joel Truex Camche, of New York, N.Y., on motion of Mr. David L. Shapiro; Joe Schreiber, of Waycross, Ga., on motion of Mr. Frederick Solomon; Alexander Eulenberg, of Evanston, Ill., on motion of Mr. Peter N. Chumbris; Nalton Morrow Bennett, of Lakeland, Fla., on motion of Mr. William H. Bennison; Earl Wayne Long, of Joplin, Mo., and Blaine Edward Strader, of Raytown, Mo., on motion of Mr. Richard E. Blair; Richard Osborn Creedon, of Indianapolis, Ind., on motion of Mr. Charles E. Pledger, Jr.; Raymond Earl Harth, of Chicago, Ill., on motion of Mr. Frank D. Reeves; Jack A. Hiller, of Valparaiso, Ind., on motion of Mr. Charles W. Halleck; John Benedek, of Chicago, Ill., John Henry Coburn, of Chicago, Ill., and Violet M. Coburn Benedek, of Chicago, Ill., on motion of Mr. Abraham H. Maller; John Douglas McLellan, Jr., of Alexandria, Va., on motion of Mr. Alfred H. Myers; Thomas Edward Higgins, of Hartford, Conn., on motion of Mr. Charles H. Kriger; Gerald S. Gordon, of Houston, Tex., on motion of Mr. Henry J. Fox; Stanley Elliot

Tobin, of Los Angeles, Calif., on motion of Mr. Martin S. Thaler; David Read Richards, of Dallas, Tex., on motion of Mr. L. N. D. Wells, Jr.; Martin Alan Spritzer, of Metuchen, N.J., on motion of Mr. Henry M. Switkay; Samuel A. Gennet, of Newark, N.J., on motion of Mr. David Lloyd Kreeger; James W. Rodgers, of New York, N.Y., on motion of Mr. Perry S. Patterson; John E. Holmes, of Berkley, Mich., Patrick J. Duggan, of Detroit, Mich., Donald M. Barton, of Livonia, Mich., Lonnie Hugh Brashear, of Livonia, Mich., Clarence R. Charest, of Livonia, Mich., Frank A. Clancy, of Livonia, Mich., Donald C. Deremo, of Livonia, Mich., James E. Mies, of Livonia, Mich., William N. Ponder, of Livonia, Mich., and John R. Wilder, of Livonia, Mich., on motion of Mrs. Ann Cooper Penning; and Marvin Tullius Scott, of Mobile, Ala., Richard Henry Mills, of Virginia, Ill., Harold Richard Clark, of Alton, Ill., John Bampfield Coppinger, of Alton, Ill., Richard H. Gauthier, of Arabi, La., Donald Aaron Meyer, of New Orleans, La., Lee Kahn Levy, of New Orleans, La., Sylvan Julian Steinberg, of New Orleans, La., Robert John De Mund, of Detroit, Mich., Leo Edward Eickhoff, Jr., of St. Louis, Mo., John Hugh Roff, Jr., of St. Louis, Mo., Charles Richard Beard, of St. Louis, Mo., Eugene V. Krell, of St. Louis, Mo., John Charles Clardy, of St. Louis, Mo., Leonard Alsup Siebels, of St. Louis, Mo., Gerald Allen Rimmel, of St. Louis, Mo., E. Louis Werner, Jr., of St. Louis, Mo., Lawrence Norman Weenick, of St. Louis, Mo., Jean M. Unterberger, of St. Louis, Mo., Robert Hall Fisher, of Houston, Tex., Edmunds Travis, Jr., of Houston, Tex., Julian Edwin Freeman, of Houston, Tex., Carol Stoner Vance, of Houston, Tex., James Edward Brill, of Houston, Tex., Donald L. Martin, of Houston, Tex., Herman Gaskamp, of Houston, Tex., Theodore Eggleston Bailey, Jr., of Houston, Tex., James Reese Gillespie, of San Antonio, Tex., Myron Mayer Sheinfeld, of Houston, Tex., Rupert Philip Schulze, Jr., of Houston, Tex., Jo Edward Shaw, Jr., of Houston, Tex., and Donald Sylvester O'Neil, of Milwaukee, Wis., on motion of Mr. William E. O'Donovan, were admitted to practice.

OPINIONS

No. 108. Interstate Commerce Commission, appellant, *v.* The New York, New Haven and Hartford Railroad Company, et al.;

No. 109. Sea-Land Service, Inc., appellant, *v.* The New York, New Haven and Hartford Railroad Company, et al.;

No. 110. Seatrain Lines, Inc., appellant, *v.* New York, New Haven and Hartford Railroad Company, et al.; and

No. 125. United States, appellant, *v.* New York, New Haven and Hartford Railroad Company, et al. Appeals from the United States District Court for the District of Connecticut. Judgment vacated

and cases remanded to that Court with instructions to remand the cases to the Interstate Commerce Commission with directions to set aside its order to the extent that it related to certain railroad TOFC rates described therein and for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan.

No. 489. Raymond Downum, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 146. The Colorado Anti-Discrimination Commission et al., petitioners, *v.* Continental Air Lines, Inc.; and

No. 492. Marlon D. Green, petitioner, *v.* Continental Air Lines, Inc. On writs of certiorari to the Supreme Court of Colorado. Judgment reversed and cases remanded to the Supreme Court of Colorado for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 111. William M. Ferguson, Attorney General for the State of Kansas, et al., appellants, *v.* Frank C. Skrupa, d/b/a Credit Advisors. Appeal from the United States District Court for the District of Kansas. Judgment reversed and case remanded to that court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Harlan concurs in the judgment on the ground that this state measure bears a rational relation to a constitutionally permissible objective.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 133. Daniel Alton Williams, petitioner, *v.* Eugene M. Zuckert, Secretary of the Air Force, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Petition for rehearing granted and the order heretofore entered, 371 U.S. 531, dismissing the writ of certiorari is vacated. Judgment vacated and case remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 120. Treadwell Construction Company, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Western District of Pennsylvania for further consideration in light of *Weyerhaeuser Steamship Company v. United States*, 372 U.S. 597. Opinion *per curiam*.

No. 834. John G. Giles et al., appellants, *v.* Maryland. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 2, Misc. Albert Walker, petitioner, *v.* Ross V. Randolph, Warden. On petition for writ of certiorari to the Circuit Court of Williamson County, Illinois. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Circuit Court of Williamson County, Illinois, for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 6, Misc. Roy E. LaForge, Jr., petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 8, Misc. Clarence Tyler, petitioner, *v.* North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of North Carolina for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 14, Misc. Elbert H. Patterson, petitioner, *v.* Warden, Maryland Penitentiary. On petition for writ of certiorari to the Court of Appeals of Maryland. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals of Maryland for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 15, Misc. Anthony Rice, petitioner, *v.* Louis L. Wainwright, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for fur-

ther consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 32, Misc. Jasper Jack Hatten, petitioner, *v.* Louis L. Wainwright, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 37, Misc. Nathaniel Raymond Haynes, petitioner, *v.* Florida. On motion for leave to file petition for writ of habeas corpus. Motion for leave to proceed *in forma pauperis* granted. Motion for leave to file a petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari to the Supreme Court of Florida, certiorari is granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 56, Misc. Henry Weigner, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. On petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Pennsylvania, Western District, for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 61, Misc. Richard Frank Lindner, petitioner, *v.* Elbert V. Nash, Warden. On petition for writ of certiorari to the Supreme Court of Missouri. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Missouri for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 67, Misc. Eugene Garner, Jr., petitioner, *v.* Pennsylvania. On petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Pennsylvania, Eastern District, for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 74, Misc. Frank Vecchiolli, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. On petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District. Motion for leave to proceed *in forma pauperis* and petition for writ of

certiorari granted. Judgment vacated and case remanded to the Supreme Court of Pennsylvania, Eastern District, for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 126, Misc. Walter Tull, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 219, Misc. Howard Virgil Lee Douglas, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 250, Misc. Felix Marvin Jordan, petitioner, *v. M. J. Wiman*, Warden. On petition for writ of certiorari to the Supreme Court of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Alabama for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 516, Misc. Marvin Doughty, petitioner, *v. E. L. Maxwell*, Warden. On petition for writ of certiorari to the Supreme Court of Ohio. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Ohio for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 522, Misc. Ernest Frank Hartsfield, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 575, Misc. George Albert Watt, petitioner, *v. Louie L. Wainwright*, Director, Florida Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 771, **Misc.** Milton Arnold, petitioner, *v.* Director, Florida Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 797, **Misc.** William B. Tiller, petitioner, *v.* California et al. On petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 896, **Misc.** Charles C. Patterson et al., appellants, *v.* Newport News Redevelopment and Housing Authority. Appeal from the Supreme Court of Appeals of Virginia. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 983, **Misc.** Charles C. Patterson, appellant, *v.* City of Newport News. Appeal from the Supreme Court of Appeals of Virginia. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 13, **Original.** State of Texas, plaintiff, *v.* State of New Jersey et al. The motion of the State of Illinois for leave to intervene is denied.

No. 529. United States, petitioner, *v.* Carlo Bianchi and Company, Inc. The motion of The Bar Association of the District of Columbia for leave to file a brief, as *amicus curiae*, is granted.

No. 883. Statni Banka Ceskoslovenska, petitioner, *v.* Edwin B. Wolchok, as Receiver of Zivnostenska Banka. In this case the Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI GRANTED

No. 887. William L. Greene, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims granted.

No. 790. United States, petitioner, *v.* Louis T. Merz et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar.

No. 850. 2,872.88 Acres of Land, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 873. National Equipment Rental, Ltd., petitioner, *v.* Steve Szukhent et al. The motion of Bankers Trust Co., et al. for leave to file a brief, as *amici curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 882. Frank Costello, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to Question 1 presented by the petition which reads as follows:

"Whether the provision of § 241(a) (4) of the Immigration and Nationality Act of 1952 for deportation of an 'alien * * * who at any time after entry is convicted of two crimes' applies to an individual who was a naturalized citizen when convicted."

Mr. Justice Harlan took no part in the consideration or decision of this petition.

CERTIORARI DENIED

No. 744. Harrisburg Daily Market, Inc., petitioner, *v.* Orville L. Freeman, Secretary of Agriculture, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 795. American Institute for Economic Research, Incorporated, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 841. Pasquale Fiumara, petitioner, *v.* Texaco, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 884. Helbros Watch Co., Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 885. John E. Parks, Jr., et al., petitioners, *v.* International Brotherhood of Electrical Workers, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 886. South Atlantic & Gulf Coast District of the International Longshoremen's Association Independent, et al., petitioners, *v.* Harris County-Houston Ship Channel Navigation District. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 889. Ruth Bristow Maloy, petitioner, *v.* James H. Bristow et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 891. Angus M. MacNeil, petitioner, *v.* State Realty Company of Boston, Inc. Petition for writ of certiorari to the Land Court of Massachusetts denied.

No. 892. The O'Day Corporation, petitioner, *v.* Talman Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 894. Toffenetti Restaurant Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 897. Carmine Li Greci, petitioner, *v.* Greene, Tweed & Company, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 899. Association of Maximum Service Telecasters, Inc., petitioner, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 845. Yogurt Master, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 855. Maurice Sigler, Warden, Louisiana State Penitentiary, et al., petitioners, *v.* United States ex rel. Emile Weston, Jr. The motion of respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 875. Fred R. Dickson, Warden, petitioner, *v.* Charles Earl Brubaker. The motion of respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 898. Wilfred Denno, Warden of Sing Sing State Prison, petitioner, *v.* Francis Henry Bloeth. The motion of respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 29, Misc. Howard Allen, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 451, Misc. Alfonso Cosen, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 495, **Misc.** Nathaniel Richard Johnson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 713, **Misc.** Melanie Kallos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 736, **Misc.** William Dave Farrior, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 740, **Misc.** Morris Joseph, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 753, **Misc.** William Thomas Johnson, petitioner, *v.* Dr. Russell O. Settle, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 767, **Misc.** William Ernest Jenkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 803, **Misc.** Leroy Stocks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 857, **Misc.** Thomas O. Spampinato, petitioner, *v.* City of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 865, **Misc.** Jasper Smallwood, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 888, **Misc.** George Diblin, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 890, **Misc.** Hollis Hines, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the Baltimore City Court of Baltimore, Maryland, denied.

No. 909, **Misc.** Carl Hamby, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 935, **Misc.** Curtis White, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 938, **Misc.** Joseph Weaver, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 940, *Misc.* Clarence C. Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 955, *Misc.* William A. Tarpley, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 968, *Misc.* Fred R. Jones, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1015, *Misc.* In the Matter of Charles Henry Snebold, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1022, *Misc.* William Taylor, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1046, *Misc.* George W. Washington, petitioner, *v.* Paul F. Pegelow. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 796, *Misc.* Clifford Bramble, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice took no part in the consideration or decision of this petition.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 779, *Misc.* Richard Eugene Sires, petitioner, *v.* Supreme Court of Washington; and

No. 1185, *Misc.* John C. Fulford, petitioner, *v.* B. K. Roberts, Chief Justice of the Supreme Court of Florida, et al. The motions for leave to file petitions for writs of mandamus are denied.

REHEARINGS DENIED

No. 743. Nicholas A. Stirone, petitioner, *v.* United States. Petition for rehearing or in the alternative motion to remand denied.

No. 755, *Misc.* Victor Sharrow, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

No. 557, *Misc.* Minniola O. Miller, petitioner, *v.* Commissioner of Internal Revenue. Motion for leave to file a petition for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, April 29, 1963, until Monday, May 13, 1963.

ORAL ARGUMENT

No. 509. Elijah Reed, petitioner, *v.* Steamship Yaka, etc., et al. Argued by Mr. Abraham E. Freedman for the petitioner and by Mr. T. E. Byrne, Jr., for the respondents.

No. 506. United States, appellant, *v.* Jerry Braverman. Leave granted Frank I. Goodman to appear and present oral argument for the appellant, *pro hac vice*, on motion of Mr. Ralph Spritzer. Argued by Mr. Frank I. Goodman for the appellant, *pro hac vice*, by special leave of Court. No appearance for the appellee.

No. 464. United States, petitioner, *v.* Carlos Muniz and Henry Winston. Argument commenced by Mr. J. William Doolittle for the petitioner and continued by Mr. John J. Abt and Mr. Richard D. Friedman for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 23, 1963, will be as follows: Nos. 464, 493, 480, 482, and 541.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Edward D. Lewis, of Indianapolis, Ind., and Charles S. White, of Indianapolis, Ind., on motion of Mr. Vance Hartke; Richard B. Warner, of Pittsfield, Mass., on motion of Mr. Silvio O. Conte; Peter Lee Dye, of Denver, Colo., on motion of Mr. Byron G. Rogers; John Carey Trussell, of Lake Forest, Ill., on motion of Mr. Robert McClory; Clyde Clayton Blinn, of Minneapolis, Minn., and Roland D. Hartshorn, of Washington, D.C., on motion of Mr. J. William Doolittle; Victor Shaw Evans, of Columbia, S.C., and Benjamin Oswald Johnson, of Spartanburg, S.C., on motion of Mr. Daniel R. McLeod; James M. Roberts, of Atlanta, Ga., on motion of Mr. Edward J. Hickey, Jr.; Richard Francis Ellis, of Wauwatosa, Wis., on motion of Mr. David Oscar Williams, Jr.; James O. Cobb, Jr., of Charlotte, N.C., and Frank A. Lyles, of Spartanburg, S.C., on motion of Mr. William D. Donnelly; Frederick Thomas Shea, of New York, N.Y., and Theodore R. Iserman, of New York, N.Y., on motion of Mr. Gerard D. Reilly; T. D. McDonald, of Cleveland, Ohio, on motion of Mr. Martin S. Goldberg; and Barbara M. Simons, of Washington, D.C., on motion of Mr. Morton L. Simons, were admitted to practice.

ORAL ARGUMENT

No. 464. United States, petitioner, *v.* Carlos Muniz and Henry Winston. Argument continued by Mr. Richard D. Friedman for the respondents and concluded by Mr. J. William Doolittle for the petitioner.

No. 493. Donald Wheeldin and Admiral Dawson, petitioners, *v.* William Wheeler. Argued by Mr. A. L. Wirin for the petitioners and by Mr. Alan S. Rosenthal for the respondent.

No. 480. Louis McNeese, Jr., a Minor, by Mabel McNeese, His Mother and Next Friend, et al., petitioners, *v.* Board of Education for Community Unit School District 187, Cahokia, Illinois, et al. Argued by Mr. Raymond E. Harth for the petitioners and by Mr. Howard Boman and Mr. Robert H. Reiter for the respondents. Memoranda to come.

No. 482. Local No. 207, International Association of Bridge, Structural and Ornamental Iron Workers Union, et al., petitioners, *v.* Jacob Perko. Argument commenced by Mr. David E. Feller for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 24, 1963, will be as follows:
Nos. 482, 541, 513, 526, 604, and 631.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Hartley P. Kester, of Arco, Idaho, on motion of Mr. Frank Church; Ted Gradon West, of Lenoir, N.C., on motion of Mr. Basil Lee Whitener; Hugh L. Carey, of New York, N.Y., on motion of Mr. William R. Foley; Marion Gillingham Truesdale, of Alexandria, Va., George Roy Richards, of Midland, Mich., and Samuel Allcorn, Jr., of Montclair, N.J., on motion of Mr. Robert Davis Powers, Jr.; Robert Martin, of Washington, D.C., and Craig Mathews, of Washington, D.C., on motion of Mr. Marx Leva; Lorie M. Molnar, of Canton, Ohio, on motion of Mr. Noble McCartney; James Alan Gammon, of Washington, D.C., on motion of Mr. Dayton M. Herrington; Basil A. Paterson, of New York, N.Y., and Paul B. Zuber, of New York, N.Y., on motion of Mr. Ambrose Shief, Jr.; Eugene Green, of Youngstown, Ohio, and Paul E. Stevens, of Youngstown, Ohio, on motion of Mr. David E. Feller; Roy N. Gruenburg, of Warren, Mich., on motion of Mr. Harold D. Beaton; Harvey Shapiro, of Chicago, Ill., on motion of Mr. Joseph Du Coeur; Frederick William Glassberg, of New Rochelle, N.Y., on motion of Mr. Leo Weiss; Robert H. Mundheim, of New York, N.Y., on motion of Mr. David L. Shapiro; and Joseph Garner Dail, Jr., of Washington, D.C., on motion of Mr. Donald W. Markham, were admitted to practice.

ORAL ARGUMENT

No. 482. Local No. 207, International Association of Bridge, Structural and Ornamental Iron Workers Union, et al., petitioners, *v.* Jacob Perko. Argument continued by Mr. David E. Feller for the petitioners, by Mr. Martin S. Goldberg for the respondent, and concluded by Mr. David E. Feller for the petitioners.

No. 541. Local 100 of the United Association of Journeymen and Apprentices, petitioner, *v.* H. N. Borden. Argued by Mr. L. N. D. Wells, Jr., for the petitioner and by Mr. Robert Weldon Smith for the respondent.

No. 513. Willie Norvell, petitioner, *v.* Illinois. Argued by Mr. Thomas P. Sullivan for the petitioner and by Mr. William C. Wines for the respondent.

No. 526. Adell H. Sherbert, appellant, *v.* Charlie V. Verner et al., as Members of South Carolina Employment Security Commission and Spartan Mills. Argued by Mr. William D. Donnelly for the appellant and by Mr. Daniel R. McLeod for the appellees.

No. 604. Division 1287 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, et al., appellants, *v.* Missouri. Argument commenced by Mr. Bernard Dunau for the appellants.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 25, 1963, will be as follows: Nos. 604, 631, 438, and 476.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Gilbert E. Andrews, Jr., of Chicago, Ill., Herbert Lee Caplan, of Chicago, Ill., Alfred G. Kaufman, Jr., of Douglas, Wyo., and Harold Laverne Mai, of Cheyenne, Wyo., on motion of Mr. Solicitor General Archibald Cox; Phil L. Hansen, of Salt Lake City, Utah, Warren D. Allred, of Ogden, Utah, John L. Black, of Salt Lake City, Utah, Sterling D. Colton, of Salt Lake City, Utah, and Harvey C. Sweitzer, of Salt Lake City, Utah, on motion of Mr. Frank E. Moss; Bernard William Minsky, of Los Angeles, Calif., and Leo B. Silverman, of Beverly Hills, Calif., on motion of Mr. James C. Corman; Alvin B. Zalla, of West Palm Beach, Fla., on motion of Mr. Paul G. Rogers; George L. Lilley, of Evanston, Ill., on motion of Mr. Robert McClory; John F. Sisson, of New York, N.Y., on motion of Mr. William C. Hart; William James Robinson, of Oklahoma City, Okla., on motion of Mr. Sam H. Crossland; Joseph Brill, of New York, N.Y., on motion of Mr. Jacob W. Friedman; Robert F. Reiser, of Manteno, Ill., on motion of Mr. Rolland Lee Nutt; George J. Leibowitz, of Silver Spring, Md., on motion of Mr. Thomas J. Reilly; Joseph C. Johnston, Jr., of Providence, R.I., on motion of Mr. Philip R. Collins; Joseph L. Ward, of Las Vegas, Nev., on motion of Mr. Chester H. Smith; Terrence Howard Benbow, of New York, N.Y., on motion of Mr. Allen T. Klots; Richard L. Newman, of New York, N.Y., and Frank Emile Nattier, Jr., of New York, N.Y., on motion of Mr. Joseph P. Tumulty, Jr.; Orrin Millard Haugen, of Edina, Minn., on motion of Mr. Clyde C. Blinn; Jack Griffith Evans, of Cincinnati, Ohio, on motion of Mr. Norton J. Come; James P. Martin, of Evanston, Ill., on motion of Mr. Charles M. Johnston; and Robert H. Davenport, of Broomfield Heights, Colo., Freeman Douglas Marti, of Springfield, Ill., James Bernard Flack, of Kansas City, Kans., Francis David Menghini, of Kansas City, Kans., Sherman Davison, of Arlington, Mass., Wellington H. Law, of Minneapolis, Minn., Harlan G. Sween, of Minneapolis, Minn., Max H. Bergman, of Kansas City, Mo., Richard Milton Erickson, of Kansas City, Mo., Kenneth I. Flegg, Jr., of Kansas City, Mo., Patrick E. Hartigan, of Kansas City, Mo., Herbert Horowitz, of Kansas City, Mo., Douglas Houston, of Kansas City,

Mo., Alfred H. Osborne, Jr., of Kansas City, Mo., Joseph Polack, of Omaha, Nebr., Robert Millard Dixon, of Cleveland, Ohio, James C. Hubbard, Jr., of Columbus, Ohio, John J. Mayar, of Cleveland, Ohio, Samuel Sonenfield, of Westlake, Ohio, Ismael Cardona, of San Juan, P.R., Eduardo Alvarez De La Vega, of San Juan, P.R., Hector Cordero-Vega, of San Juan, P.R., Thaddeus Mitchell Wynn, Jr., of Sevierville, Tenn., Homer Kent Presson, of Falls Church, Va., Ernest Arnold Bentley, Jr., of Spokane, Wash., Daniel Peter Brink, of Seattle, Wash., Hugh Richard McGough, of Seattle, Wash., Robert John McKanna, of Spokane, Wash., Norman Hugh McNeil, of Bellevue, Wash., Laird Burt Peterson, of Seattle, Wash., Jerome Shulkin, of Mercer Island, Wash., Samuel Joseph Steiner, of Seattle, Wash., Richard M. Thatcher, of Seattle, Wash., Lawrence W. Wanichек, of Seattle, Wash., and Robert Curtis Wetherholt, of Seattle, Wash., on motion of Mr. William E. O'Donovan, were admitted to practice.

ORAL ARGUMENT

No. 604. Division 1287 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, et al., appellants, *v.* Missouri. Argument continued by Mr. Bernard Dunau for the appellants and concluded by Mr. Joseph Nessenfeld for the appellee.

No. 631. Alvin R. Campbell et al., petitioners, *v.* United States. Argued by Mr. Melvin S. Louison and Mr. Lawrence F. O'Donnell for the petitioners and by Mr. Solicitor General Cox for the respondent.

No. 438. United States, appellant, *v.* The Singer Manufacturing Company. Argument commenced by Mr. Daniel M. Friedman for the appellant and continued by Mr. Arthur E. Pettit for the appellee.

Adjourned until Monday, April 29, 1963, at 10 o'clock.

The day call for Monday, April 29, 1963, will be as follows: Nos. 438, 476, 529, 630, and 667.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Sidney J. Sexner, of Chicago, Ill., Stephen Edward Kaufman, of New York, N.Y., Candido Herbert Lucero, of Riverton, Wyo., Howard W. Amos, of Columbus, Ohio, Roland Root Speers II, of Pomona, Calif., Solomon Lubin, of Wilkes-Barre, Pa., K. Bruce Friedman, of San Francisco, Calif., Floyd H. Abramson, of Chicago, Ill., James L. South, of Denver, Colo., Aaron Morton, of New York, N.Y., Arthur C. Kellman, of New York, N.Y., Richard C. Addison, of Columbus, Ohio, Ralph G. Smith, of Columbus, Ohio, Newman Manly Yeilding, Jr., of Birmingham, Ala., Wilbur Charles Delp, Jr., of Chicago, Ill., Billy R. Pesnell, of Shreveport, La., William L. Allen, Jr., of Syracuse, N.Y., Edward W. Beglin, Jr., of Plainfield, N.J., Kimon S. Zachos, of Manchester, N.H., Pasco Middleton Bowman II, of New York, N.Y., Theodore Richard Brown, of New York, N.Y., Donald H. Elliott, of New York, N.Y., Gerald N. Jacobowitz, of Walden, N.Y., Jack L. Kellogg, of New York, N.Y., Edwin A. Kilburn, of New York, N.Y., Arthur J. Mahon, of New York, N.Y., Harlan Wyatt Murray, of New York, N.Y., Joe B. Munk, of Binghamton, N.Y., Patrick Michael Wall, of New York, N.Y., David T. Washburn, of New York, N.Y., Herbert Lee Hyde, of Asheville, N.C., David Locke Pennington, of Philadelphia, Pa., Thomas M. Rutter, Jr., of Pittsburgh, Pa., John Lawrence Hargrove, of Brownwood, Tex., Clifford Wadsworth Starrett, of Morristown, N.J., Daniel G. Collins, of New York, N.Y., Anthony J. Iannarone, of Nutley, N.J., Harry Chashin, of Bayonne, N.J., Robert P. Swartz, of Bergenfield, N.J., Arnold L. Bloom, of Clifton, N.J., Kenneth H. Brookman, of Clinton, N.J., Theodore Charney, of Clifton, N.J., Peter Ciolino, of Clifton, N.J., Fred J. Friend, of Clifton, N.J., Harvey Goldberg, of Clifton, N.J., Leon Klein, of Clifton, N.J., Nicholas G. Mandak, of Clifton, N.J., Ralph V. Martin, of Clifton, N.J., Joseph E. Nouhan, of Clifton, N.J., Albert A. Pison, of Clifton, N.J., John F. Quinn, of Clifton, N.J., Louis J. Razen, of Clifton, N.J., Martin A. Rieschl, Jr., of Clifton, N.J., Philip Rubin, of Clifton, N.J., Louis Wasserstrum, of Clifton, N.J., Lester P. Dubow, of Fair Lawn, N.J., Manuel Korn, of Fair Lawn, N.J., Morton Hirschklau, of Fair

Lawn, N.J., Arthur Minuskin, of Fair Lawn, N.J., Abram H. Simon, of Fair Lawn, N.J., Robert Walter, of Fair Lawn, N.J., Nathan A. Reuben, of Florham Park, N.J., Robert P. Alliegro, of Hawthorne, N.J., Peter Calcia, of Hawthorne, N.J., John F. Geaney, Jr., of Hawthorne, N.J., John G. D'Angelo, of Kinnelon, N.J., Gordon L. Kent, of Little Falls, N.J., Ralph A. Nuzzo, of Little Falls, N.J., Jules V. Stark, of Maplewood, N.J., Louis Adler, of Passaic, N.J., Harold Breslow, of Passaic, N.J., Albert K. Condit, of Passaic, N.J., Bernard Feinberg, of Passaic, N.J., Dominick Giordano, of Passaic, N.J., Louis E. Janofsky, of Passaic, N.J., Harry Kempelman, of Passaic, N.J., Harold B. Kaplan, of Passaic, N.J., Herbert C. Klein, of Passaic, N.J., Martin Klughaupt, of Passaic, N.J., Robert M. Kronman, of Passaic, N.J., Louis L. Leibowitz, of Passaic, N.J., Harold S. Packer, of Passaic, N.J., Herman Bernard Packer, of Passaic, N.J., Saul Peres, of Passaic, N.J., Harry Pett, of Passaic, N.J., Morris B. Ploshnick, of Passaic, N.J., J. Bernard Saltzman, of Passaic, N.J., Emanuel C. Schablik, of Passaic, N.J., Robert Boyle III, of Paterson, N.J., Diminic Cavaliere, of Paterson, N.J., Hillard Chapnick, of Paterson, N.J., Frank J. Davies, Jr., of Paterson, N.J., William A. De Mayo, of Paterson, N.J., Lawrence Diamond, of Paterson, N.J., James M. Dunn, of Paterson, N.J., Maurice D. Emont, of Paterson, N.J., Charles C. Festa, Jr., of Paterson, N.J., Leonard I. Garth, of Paterson, N.J., John J. Gavenda, of Paterson, N.J., Jacob G. Goldfarb, of Paterson, N.J., Joseph D. J. Gourley, of Paterson, N.J., George J. Hajjar, of Paterson, N.J., William F. Hinchliffe, of Paterson, N.J., Theodore Hinton, of Paterson, N.J., Reginald F. Hopkinson, of Paterson, N.J., Herbert Katz, of Paterson, N.J., Wm. B. Kaufman, of Paterson, N.J., Bernard M. Kimmel, of Paterson, N.J., A. Victor Koch, of Paterson, N.J., Martin Krugman, of Paterson, N.J., Joseph A. LaCava, of Paterson, N.J., Bruno L. Leopizzi, of Paterson, N.J., Louis E. Mainardi, of Paterson, N.J., Andrew Mainardi, of Paterson, N.J., Andrew Mainardi, Jr., of Paterson, N.J., Andrew Marchisen, of Paterson, N.J., Vincent N. Marino, of Paterson, N.J., Murray R. Miller, of Paterson, N.J., Herman H. Moskowitz, of Paterson, N.J., Irving J. Nochimson, of Paterson, N.J., Edwin J. Nyklewicz, of Paterson, N.J., Anna E. Perle-Silik, of Paterson, N.J., Anthony Polizzotti, of Paterson, N.J., Henry Riccobene, of Paterson, N.J., Nathan Robins, of Paterson, N.J., Newton M. Roemer, of Paterson, N.J., Benjamin A. Rothstein, of Paterson, N.J., Maurice Sanders, of Paterson, N.J., Frank J. Sciro, of Paterson, N.J., Ben S. Shipman, of Paterson, N.J., Isadore Silik, of Paterson, N.J., Goodman Singer, of Paterson, N.J., Arnold M. Smith, of Paterson, N.J., Isadore Smith, of Paterson, N.J., Benjamin J. Spitz, of Paterson, N.J., Frank Sproviere, of Paterson, N.J., Herman W.

Steinberg, of Paterson, N.J., Anthony P. Tirinato, of Paterson, N.J., Herbert A. Vogel, of Paterson, N.J., I. Arthur Weiss, of Paterson, N.J., Samuel S. Nochimson, of Pompton Lakes, N.J., Frank Scangarella, of Pompton Plains, N.J., Thomas F. Foley, of Ridgewood, N.J., Paul C. Cavaliere, Jr., of Wayne, N.J., Charles De Walsche, of Wayne, N.J., Burrell Ives Humphreys, of Wayne, N.J., John Leslie Miller, of Wayne, N.J., Anthony J. Orrico, of Wayne, N.J., George W. Rowinski, of Wayne, N.J., William W. Evans, Jr., of Wyckoff, N.J., Raymond H. Branda, of New York, N.Y., and Rueben Appet, of Caldwell, N.J., on motion of Mr. Solicitor General Archibald Cox; Dennis E. Haggerty, of Philadelphia, Pa., Anthony W. Novasitis, Jr., of Philadelphia, Pa., and Francis P. Cadran, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; Hans W. Johnson, of Denver, Colo., on motion of Mr. Gordon Allott; Fred H. Sievert, Jr., of Lake Charles, La., and Frank T. Salter, Jr., of Lake Charles, La., on motion of Mr. Gillis W. Long; Jerome M. Dachman, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Wales H. Madden, Jr., of Amarillo, Tex., on motion of Mr. Graham Purcell; Phil M. Landrum, of Jasper, Ga., on motion of Mr. John James Flynt, Jr.; Francis S. Lorenz, of Chicago, Ill., on motion of Mr. Edward R. Finnegan; Hugh Dorsey Sosebee, of Forsyth, Ga., on motion of Mr. John W. Davis; Chas. F. Williams, of Kansas City, Kans., and Robert D. Hovey, of Kansas City, Mo., on motion of Mr. Robert F. Ellsworth; Clarence W. Archibold, of Brooklyn, N.Y., William J. Garry, of Brooklyn, N.Y., Albert W. Lian, of Brooklyn, N.Y., John A. Maguire, Jr., of Brooklyn, N.Y., Francis E. Maher, of Brooklyn, N.Y., Anthony J. Pirrotti, of Brooklyn, N.Y., Nicholas L. Savino, of Brooklyn, N.Y., Santo R. Sgarlato, Jr., of Brooklyn, N.Y., and Arthur O. Spagna, of Brooklyn, N.Y., on motion of Mr. Hugh L. Carey; Fred Blanton, Jr., of Birmingham, Ala., on motion of Mr. Mortimer M. Caplin; G. Garland Lyell, Jr., of Jackson, Miss., on motion of Mr. William E. Cresswell; D. Cameron Murchison, of Alexandria, La., on motion of Mr. Charles Sylvanus Rhyne; Ralph N. Strayhorn, of Durham, N.C., on motion of Mr. Fred M. Vinson, Jr.; John Peter Corn, of Little Rock, Ark., on motion of Mr. John Patrick Baker; George V. Gardner, of Washington, D.C., Martin G. Hendricks, of Washington, D.C., Charles L. Solomon, of Baltimore, Md., George S. Krug, of Ellicott City, Md., Louis Rogers, of Silver Spring, Md., Benjamin L. Candell, of Elkins Park, Pa., and George H. Cohen, of Arlington, Va., on motion of Mr. Thomas P. Kerester; Jack G. Stein, of Chicago, Ill., Bernard Gene Winsberg, of Chicago, Ill., Anthony Dominick Andora, of East Paterson, N.J., Joseph B. McFeely, of Hoboken, N.J., Joseph Leonard Hornstein, of Jersey City, N.J., Joseph Thomas Ryan, of Jersey City, N.J., Henry van Dam, of

Madison, N.J., Wallace W. Barnes, of Summit, N.J., Richard Wallace McAtamney, of Bronxville, N.Y., Sam Blecher, of Brooklyn, N.Y., Frank James Brasco, of Brooklyn, N.Y., Martin M. Arlook, of New York, N.Y., Joseph R. Conte, of New York, N.Y., Richard Martin Estes, of New York, N.Y., Phyllis L. Propp Fowle, of New York, N.Y., Raymond Bernhard Grunewald, of New York, N.Y., Louis Hering, of New York, N.Y., Emanuel Kessler, of New York, N.Y., James H. Killian, of New York, N.Y., Marvin Levine, of New York, N.Y., Milton Norman, of New York, N.Y., Matthew M. Santirocco, of New York, N.Y., Harry Unger, Jr., of New York, N.Y., Raymond A. Waldman, of New York, N.Y., Eugene Wollan, of New York, N.Y., Peter J. Reilly, of Pleasantville, N.Y., Charles Zalaznick, of Scarsdale, N.Y., Ira S. Taub, of Staten Island, N.Y., Thomas J. Newman, of Suffern, N.Y., Lloyd S. Greenidge, of White Plains, N.Y., and William A. Tauber, of Yonkers, N.Y., on motion of Mr. William E. O'Donovan; and Vincent B. Lewin, of Bayside, N.Y., Martin Kaplan, of Brooklyn, N.Y., Milton E. Jacobowitz, of Far Rockaway, N.Y., William E. DeBevoise, of Floral Park, N.Y., Gerald H. Murphy, of Flushing, N.Y., Henry T. Schwaeber, of Flushing, N.Y., Thomas Brian O'Connell, of Forest Hills, N.Y., Edward Martin Wise, of Forest Hills, N.Y., Samuel Robert Kroll, of Freeport, N.Y., Cleo A. Gubitosi, of Glendale, N.Y., Leonard Bailin, of Great Neck, N.Y., Francis T. Sullivan, of Jackson Heights, N.Y., Joel L. Cohen, of Jamaica, N.Y., Leonard Cooper, of Jamaica, N.Y., Oliver Shaevitz, of Jamaica, N.Y., Jerome J. Feiner, of Jamaica, N.Y., Julius L. Fried, of Jamaica, N.Y., Edwin Gold, of Jamaica, N.Y., Michael J. Lazar, of Jamaica, N.Y., Joseph F. Lee, of Jamaica, N.Y., Aaron P. Metzger, of Jamaica, N.Y., John R. Monaghan, Jr., of Jamaica, N.Y., Joseph Pack, of Jamaica, N.Y., Thomas Anthony Panebianco, of Jamaica, N.Y., Marvin Rachlin, of Jamaica, N.Y., Morris Schonbrun, of Jamaica, N.Y., Saul Weprin, of Jamaica, N.Y., Irving William Fein, of Kew Gardens, N.Y., Leonard Murray Karmel, of Long Island City, N.Y., John G. Aicher, of New York, N.Y., Harry Issler, of New York, N.Y., Philip J. Lavin, of New York, N.Y., Harris Schoenfeld, of New York, N.Y., Michael P. Schoenfeld, of New York, N.Y., Edward J. Weber, Jr., of New York, N.Y., Victor Zager, of New York, N.Y., Donald La Pasta, of Queens Village, N.Y., Ralph G. La Pasta, of Queens Village, N.Y., Murray Abrams, of Rego Park, N.Y., Philip Golden, of Richmond Hill, N.Y., Fred T. Santucci, of Richmond Hill, N.Y., Rosemary R. Gunning, of Ridgewood, N.Y., Isaac S. Canetti, of Rosedale, N.Y., Gerald H. Green, of Woodhaven, N.Y., and Edward A. Siragusa, of Woodhaven, N.Y., on motion of Mr. Louis Clemente; Robert Kapusta, of Milford, Conn., on motion of Mr. Edward M. Reidy; Terence N. Hickey, of

Hayward, Wisc., and John Doar, of New Richmond, Wisc., on motion of Mr. Burke Marshall; Donald MacMillan Haskell, of Chicago, Ill., on motion of Mr. Sommers Terry Brown; Frank Norton, of Dallas, Tex., on motion of Mr. Herzel H. E. Plaine; Ginoris Vizcarracastellon, of Santurce, P.R., on motion of Mr. A. Kenneth Pye; John F. McGowan, of Bridgeport, Conn., on motion of Mr. Michael F. Keogh; George Andrew Hough, Jr., of Seattle, Wash., on motion of Mr. Ottmar A. Neumann; Norman Segal, of Philadelphia, Pa., on motion of Mr. A. Leon Higginbotham; Edward Malcolm Taylor, of North Bergen, N.J., on motion of Mr. Gerald Morgan; L. Bruce Fryburger, of San Antonio, Tex., on motion of Mr. I. Morton Leavitt; John A. Bachl, of Hartford, Conn., on motion of Mr. Wallace T. Ward; Aaron Willner, of New York, N.Y., on motion of Mr. William Willner; Keith Masters, of Chicago, Ill., on motion of Mr. Perry S. Patterson; William A. Lane, of Miami, Fla., on motion of Mr. Mac Asbill, Jr.; James A. Sullivan, of Hermosa Beach, Calif., on motion of Mr. William H. Dorsey, Jr.; David M. Schimmel, of Washington, D.C., on motion of Mr. Henry G. Manne; Harry David Lavery, of Chicago, Ill., on motion of Mr. Robert M. Willan; James S. Greene, Jr., of Harlan, Ky., and Logan E. Patterson, of Pineville, Ky., on motion of Mr. Neville Miller; Saul A. Seder, of Worcester, Mass., on motion of Mr. David L. Rose; and Steven I. Victor, of Detroit, Mich., on motion of Mr. Wilbur D. Sparks, were admitted to practice.

OPINIONS

No. 240. Andre Maximov, etc., petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Goldberg.

No. 94. Brotherhood of Locomotive Engineers et al., petitioners, *v.* Louisville and Nashville Railroad Company. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Mr. Justice Black dissents. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Douglas joins.

No. 202. Charles Edwards Sanders, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of California for a hearing consistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice White concurs in the result. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins.

No. 12, Original. State of Hawaii, plaintiff, *v.* Kermit Gordon. On bill of complaint. The complaint is dismissed. Opinion *per*

curiam announced by Mr. Chief Justice Warren. Mr. Justice White took no part in the consideration or decision of this case.

No. 600. Robert Galloway White, petitioner, *v.* Maryland. On writ of certiorari to the Court of Appeals of Maryland. Judgments reversed and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 715. Ford T. Johnson, Jr., petitioner, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 775. A. L. Kornman Company, appellant, *v.* David M. Pack, Commissioner of Highways, State of Tennessee. Appeal from the Supreme Court of Tennessee, Middle Division. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 878. Harold C. Foreman et ux., appellants, *v.* City of Bellefontaine. Appeal from the Court of Appeals of Ohio, Logan County. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 164. Nico Jacobellis, appellant, *v.* Ohio. This case is restored for reargument on the summary calendar and is set for hearing immediately following No. 812.

CERTIORARI GRANTED

No. 907. Richard S. Simpson, petitioner, *v.* Union Oil Company of California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 812. Bradley Reed Smith, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, granted and case placed on the summary calendar.

No. 903. United States, petitioner, *v.* Kenneth Leroy Behrens. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar. It is set for hearing immediately following No. 569.

No. 783, Misc. Zebedee Hardy, petitioner, *v.* United States. The motions for leave to proceed *in forma pauperis* and to supplement the petition are granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 821. Badger Meter Manufacturing Company, petitioner, *v.* James B. Brennan, United States Attorney, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 863. Magnus, Mabee & Reynard, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 900. Lee Henslee, Superintendent, Arkansas State Penitentiary, petitioner, *v.* Clarence Stewart, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 901. Adela Vachier, petitioner, *v.* McCormick, Alcaide & Co. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 902. Heyman Manufacturing Company, petitioner, *v.* HAP Corporation. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 911. Millpax, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 914. Louis C. Viale et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 915. Joseph Harris et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 916. Watkins Products, Inc., etc., petitioner, *v.* Sunway Fruit Products, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 917. Frank Strangway, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 918. *Partenweederei et al.*, petitioners, *v.* Brady-Hamilton Stevedore Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 919. David W. Purnell, petitioner, *v.* Missouri Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 832. Beatrice Foods Co., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 906. David Atlas, petitioner, *v.* Eastern Airlines, Incorporated, et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted because of the denial of a jury trial.

No. 531, *Misc.* Andrew Jackson Shannon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 631, *Misc.* Burton Weinstein, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 666, *Misc.* Welton Hamrick, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 695, *Misc.* Lawrence Trumblay, petitioner, *v.* Olin G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 980, *Misc.* Frank Egitto, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 849, *Misc.* Sam S. Scribner, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice took no part in the consideration or decision of this petition.

REHEARINGS DENIED

No. 34. William Douglas and Bennie Will Meyes, petitioners, *v.* California; and

No. 774, *Misc.* Shelley R. Cothran, petitioner, *v.* San Jose Water Works. Petitions for rehearing denied.

No. 533. Edythe Rice Dyer, petitioner, *v.* Edward P. Murray, etc., et al. Motion for leave to file a petition for rehearing denied.

No. 563. Honorable Stephen S. Chandler, United States District Judge for the Western District of Oklahoma, petitioner, *v.* Occidental

Petroleum Corporation. The motion of Earl A. Brown et al., for leave to file a brief, as *amici curiae*, in support of petition for rehearing is granted. Petition for rehearing denied. Mr. Justice Brennan and Mr. Justice White took no part in the consideration or decision of this motion and petition.

No. 817. Frances O. Warriner, petitioner, *v.* Harry Fink et al. The motion to dispense with printing the petition for rehearing is granted. Petition for rehearing denied.

ORDER

It is ordered that the call of the calendar, except for special assignments, be suspended for the term upon the conclusion of the arguments in the cases listed for hearing this week.

RECESS ORDER

The order as to sessions entered April 22, 1963, is amended to provide that the Court will take a recess upon the conclusion of the arguments in the cases listed for hearing on Monday, April 29, 1963, until Monday, May 13, 1963.

ORAL ARGUMENT

No. 438. United States, appellant, *v.* The Singer Manufacturing Company. Argument continued by Mr. Arthur E. Pettit for the appellee and concluded by Mr. Daniel M. Friedman for the appellant.

No. 476. Benjamin Braunstein et al., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Louis Eisenstein for the petitioners and by Mr. Wayne G. Barnett for the respondent.

No. 529. United States, petitioner, *v.* Carlo Bianchi and Company, Inc. Argued by Mr. David L. Rose for the petitioner and by Mr. William H. Matthews for the respondent.

No. 630. Wilbert Rideau, petitioner, *v.* Louisiana. Argued by Mr. Fred H. Sievert, Jr., for the petitioner and by Mr. Frank T. Salter, Jr., for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 30, 1963, will be as follows: No. 667.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Donald V. Yarborough, of Dallas, Tex., G. Paul Kirton, of Mexia, Tex., and Ross Thomson Gault, of Austin, Tex., on motion of Mr. Ralph W. Yarborough; John Foster Sheffield, of Los Angeles, Calif., and George Charles Martinez, of San Francisco, Calif., on motion of Mr. Bernard Rowitz; Tom Fairfield Brown, of Tampa, Fla., and Robert Paul, of Miami, Fla., on motion of Mr. Thomas Bennett DeWolf; Eric Stevenson, of Stonington, Conn., on motion of Mr. William H. Greer, Jr.; George Nelson Heil, Jr., of Evanston, Ill., on motion of Mr. Peter N. Chumbris; Robert Emmett Richardson, of Ottawa, Ill., on motion of Mr. Daniel L. O'Connor; and Lester A. Reynolds, of Norman, Okla., on motion of Mr. Robert Lee Bailey, were admitted to practice.

ORAL ARGUMENT

No. 667. William Smith, Jr., petitioner, *v.* Mississippi. Argued by Mr. Morris B. Abram for the petitioner and by Mr. G. Garland Lyell, Jr., for the respondent.

Adjourned until Monday, May 13, 1963, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Ralph H. Bearden, Jr., of Miami, Fla., J. Paul Boutwell, of Washington, D.C., Herbert L. Chabot, of Silver Spring, Md., Michael E. Crane, of Cedar Grove, N.J., J. Earl Epstein, of Philadelphia, Pa., James A. Gardner, Jr., of Fresno, Calif., Carl A. Harris, of Potomac, Md., Clyde Herbert Haynes, of Elyria, Ohio, H. Edgar Lentz, of Baltimore, Md., Thomas F. McBride, of Chevy Chase, Md., G. Curtis Scarborough, of Baltimore, Md., and Frank G. Wittenberg of Larchmont, N.Y., on motion of Mr. Solicitor General Archibald Cox; Richard David Andrews, of Fresno, Calif., on motion of Mr. Thomas H. Kuchel; Julian Herbert Hopkins, of Lincoln, Nebr., on motion of Mr. Roman L. Hruska; Edward Newell Barrett, of Los Angeles, Calif., and Robert Jordan Wager, of Los Angeles, Calif., on motion of Mr. James C. Corman; Saul I. Ruman, of Hammond, Ind., and Stanley A. Tweedle, of Hammond, Ind., on motion of Mr. Ray J. Madden; Joe Richard Pool, of Dallas, Tex., on motion of Mr. Albert B. Luckey, Jr.; John T. Amey, of Phoenix, Ariz., on motion of Mr. Morris K. Udall; Gerard A. Serritella, of Chicago, Ill., on motion of Mr. Roland Victor Libonati; L. Keith Borgerson, of Flint, Mich., on motion of Mr. Charles E. Chamberlain; James B. Stanley, of Kalamazoo, Mich., on motion of Mr. George Meader; Brian Joseph Connell, of Washington, D.C., on motion of Mr. Joseph M. Montoya; F. J. Winzer, of Houston, Tex., and Jeanne Elizabeth Winzer, of Houston, Tex., on motion of Mr. Arthur C. Perry; Stephen B. Lemann of New Orleans, La., on motion of Mr. Dean G. Acheson; Mark C. McClanahan, of Portland, Oreg., on motion of Mr. John W. Cragun; Hammond Carl Woods, of Kansas City, Mo., on motion of Mr. Bruce M. Forrester; Alvin Neil Siegel, of Atlanta, Ga., and Charles Longstreet Weltner, of Atlanta, Ga., on motion of Mr. John W. Davis; Richard Stanley Harsh, of Arlington, Va., on motion of Mr. Lewis Andrew Carroll; Joe K. Byrd, of Morganton, N.C., Robert Bond Byrd, of Morganton, N.C., John H. McMurray, of Morganton, N.C., Charles Dennis Dixon, of Hickory, N.C., Hurshell Halton Keener, of Hickory, N.C., Bailey Patrick, of Hickory, N.C., Joe Park Whitener of Hickory, N.C., Horace M. DuBose III, of Gastonia, N.C., Oscar Ferdinand Mason, Jr., of Gastonia, N.C., John Allen Wilkins,

of Gastonia, N.C., L. H. Fountain, of Tarboro, N.C., Fred W. Harrison, of Kinston, N.C., Wade Bostic Matheny, of Forest City, N.C., W. Harold Mitchell, of Valdese, N.C., Henry L. Strickland of Charlotte, N.C., and Frank Hampton Watson, of Spruce Pine, N.C., on motion of Mr. Basil Lee Whitener; Edwin Morton Levy, of New York, N.Y., on motion of Mr. Michael Gould; Stanley M. Estrow, of New York, N.Y., on motion of Mr. Ralph L. Berlow; Horace E. Pascal, of Washington, D.C., on motion of Mr. John T. Casey; Alfred E. Hirsch, Jr., of Summit, N.J., on motion of Mr. Hugh S. Wertz; Dermot Michael Owens, of Washington, D.C., on motion of Mr. Melvin Hirshman; Richard F. Generelly, of Washington, D.C., on motion of Mr. Charles V. Shannon; George C. Fariss, of Nashville, Tenn., Charles Galbreath, of Nashville, Tenn., Dan Garfinkle, of Nashville, Tenn., and C. Allen High, of Nashville, Tenn., on motion of Mr. Milton Kramer; John Leo Tierney, of Washington, D.C., on motion of Mr. Arthur J. Schissel; Morris J. Kaplan, of New York, N.Y., on motion of Mr. Vincent A. Klinfeld; John Peter Kohn, of Montgomery, Ala., on motion of Mr. George Kaufmann; James Virgil Bliss, of Dallas, Tex., on motion of Mr. Benjamin Edward Pickering; Meyer Eisenberg, of Brooklyn, N.Y., and Arthur Fleischer, Jr., of Washington, D.C., on motion of Mr. William L. Cary; Thomas Dunn Finney, Jr., of Washington, D.C., and John Hurford Sharon, of Washington, D.C., on motion of Mr. Clark M. Clifford; Richard Conrad Whittenberger, Sr., of Springfield, Va., on motion of Mr. Thomas P. Kerester; Erwin Alexander Alpern, of Washington, D.C., and Karl George Feissner, of Washington, D.C., on motion of Mr. Edwin A. Mooers; Stuart Richard Reichart, of New York, N.Y., Joseph Callahan Brady, of San Antonio, Tex., and John Carroll Gabbert, of Waco, Tex., on motion of Mr. Cooley C. Berry; Charles Wm. Lavers, of Boston, Mass., on motion of Mr. G. Bowdoin Craighill; L. Garland Wells, of Portsmouth, Va., on motion of Mr. William O. Turney; Robert O. Kleefeld, of New York, N.Y., and Jerome A. Perles, of New York, N.Y., on motion of Mr. Murry I. Cohen; Andrew J. Weisz, of Beverly Hills, Calif., John Rains Calhoun, of Long Beach, Calif., Carl Thomas Zeiger, of Long Beach, Calif., Barton Adam Goldman, of Los Angeles, Calif., Franklin Marks Kaye, of Los Angeles, Calif., David Paul Yaffe, of Los Angeles, Calif., David Wesley Fleming, of Van Nuys, Calif., Wallace Watson Orr, of Woodland Hills, Calif., Raymond Ellsworth Sutton, of Las Vegas, Nev., and Winfred R. Mundle, Sr., of Washington, D.C., on motion of Mr. William E. O'Donovan; Norman G. Rudman, of Los Angeles, Calif., on motion of Mr. Mortimer Kollender; Francis Albin Kocourek, of Minneapolis, Minn., on motion of Mr. Charles Gordon; John P. Schofield, of New York, N.Y., on motion of Mr. Nicholas F. Lopes; Richard Fick Pur-

cell, of New York, N.Y., on motion of Mr. Nicholas J. Chase, Basil Jerome Boritzki, of Columbus, Ohio, on motion of Mr. Thomas Henry Williams; Calvin Robinson, of Lowell, Mass., on motion of Mr. Daniel T. Coughlin; and Harry D. Ambrose, Jr., of Camden, N.J., Joseph E. Ross, of Brooklyn, N.Y., George Gilkey Abel III, of Media, Pa., H. LeRoy Larner, of Philadelphia, Pa., Richard Royce Ransom, of Philadelphia, Pa., David P. Trulli, of Philadelphia, Pa., Barry B. Wohlman, of Philadelphia, Pa., Carroll Gerard Wille, of Rosemont, Pa., and Richard M. Keiser, of Harlingen, Tex., on motion of Mr. Robert Davis Powers, Jr., were admitted to practice.

OPINIONS

No. 305. A. J. Whipple et al., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment vacated and case remanded to the Court of Appeals with directions to remand the case to the United States Tax Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Mr. Justice Douglas dissents.

No. 229. Federico Marin Gutierrez, petitioner, *v.* Waterman Steamship Corp. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the United States District Court for the District of Puerto Rico for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Harlan.

No. 288. National Labor Relations Board, petitioner, *v.* Erie Re-sistor Corporation et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Harlan.

No. 134. David Namet, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins.

No. 316. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, et al., petitioners, *v.* Anna Mae Allen et al. On writ of certiorari to the Supreme Court of North Carolina. Judgment reversed and case remanded to the Supreme Court of North Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Black, while adhering to the views he expressed in *Inter-*

national Assn. of Machinists v. Street, 367 U.S. 740, 780-797, concurs in the judgment and opinion of this Court in this case because he believes both are in accord with the holding and opinion of the Court in the *Street* case. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 45. Florida Lime and Avocado Growers, Inc., et al., appellants, *v. Charles Paul, Director of Department of Agriculture of California*, et al.; and

No. 49. Charles Paul, Director of Department of Agriculture of California, et al., appellants, *v. Florida Lime and Avocado Growers, Inc., et al.* Appeals from the United States District Court for the Northern District of California. Judgment reversed and cases remanded for a new trial limited to appellants' claim in No. 45 that the enforcement of Sec. 792 unreasonably burdens or discriminates against interstate commerce. In the respect challenged by the cross-appeal in No. 49, the judgment is affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion in No. 45 by Mr. Justice White with whom Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Clark join.

No. 490. John L. Brady, petitioner, *v. Maryland*. On writ of certiorari to the Court of Appeals of Maryland. Judgment affirmed. Opinion by Mr. Justice Douglas announced by Mr. Justice Brennan. Separate opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black joins.

No. 140. Nathan Willner, petitioner, *v. Committee on Character and Fitness, etc.* On writ of certiorari to the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas announced by Mr. Justice Black. Concurring opinion by Mr. Justice Goldberg with whom Mr. Justice Brennan and Mr. Justice Stewart join. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins.

No. 24. Halliburton Oil Well Cementing Company, appellant, *v. James S. Reily, Collector of Revenue, State of Louisiana*. Appeal from the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Black joins.

No. 667. William Smith, Jr., petitioner, *v. Mississippi*. On writ of certiorari to the Supreme Court of Mississippi. Writ dismissed as

improvidently granted without prejudice to an application for federal habeas corpus relief under 28 U.S.C. § 2241 after exhaustion of any state remedies still open to him. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 877. Edgar I. Shott, Jr., appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Black is of the opinion that probable jurisdiction should be noted.

No. 905. Edward Abernathy et al., appellants, *v.* Milton Carpenter, Director of Revenue for the State of Missouri. Appeal from the United States District Court for the Western District of Missouri. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 949. Flora Construction Company, appellant, *v.* United States, for the Use and Benefit of Grand Junction Steel Fabricating Co., et al. Appeal from the United States District Court for the District of Nevada. The motion to dispense with printing the jurisdictional statement is granted. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 975. Pearl Lee E. George et al., petitioners, *v.* Bryan Clemmons, Sheriff, etc. On petition for writ of certiorari to the Supreme Court of Louisiana. Petition for writ of certiorari granted, judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 59, Misc. Trent Boyes, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Western District of Texas for further consideration in light of *Sanders v. United States*, 373 U.S. 1. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan would deny certiorari on the basis of their dissent in *Sanders v. United States*, 373 U.S. —.

No. 494, Misc. Joseph Baker, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Western District of Washington for further consideration in light of *Sanders v. United States*, 373 U.S. 1. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan would deny certiorari on the basis of their dissent in *Sanders v. United States*, 373 U.S.—.

No. 689, Misc. Alvin Clark, appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Western District. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 928, Misc. Darrell E. Copenhagen, appellant, *v.* John E. Bennett, Warden. Appeal from the Supreme Court of Iowa and District Court of Lee County, Iowa. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 606. The New York Times Company, petitioner, *v.* L. B. Sullivan. The motion of Tribune Company for leave to file a brief, as *amicus curiae*, is granted.

No. 948. Samuel Dodd Williamson, petitioner, *v.* California. The motion of American Civil Liberties Union of Southern California for leave to file a brief, as *amicus curiae*, is granted.

APPEALS—JURISDICTION NOTED

No. 823. Southern Railway Company, appellant, *v.* North Carolina et al.; and

No. 943. United States et al., appellants, *v.* North Carolina et al. Appeals from the United States District Court for the Middle District of North Carolina. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours is allotted for oral argument.

CERTIORARI GRANTED

No. 925. United Steelworkers of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 934. John Wiley & Sons, Inc., petitioner, *v.* David Livingston, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

CERTIORARI DENIED

No. 828. Henry A. Kuckenberger et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 874. Family Record Plan, Incorporated, (Dissolved), et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 890. Edward John Williams et al., petitioners, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 896. Frank Patzke, Jr., petitioner, *v.* The Chesapeake & Ohio Railway Co. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 912. General Electric Company et al., petitioners, *v.* Atlantic City Electric Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 923. Sager Glove Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 927. Reginald G. Hearn et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 928. Robert L. Strauss, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 929. G. Leblanc Corporation, petitioner, *v.* H. & A. Selmer, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 930. Clinton Kurck, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 932. Franklin W. Durgin et ux., petitioners, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 933. Art Johnston, petitioner, *v.* Hugh E. Earle et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 938. John W. Pattno, Administrator, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 939. The Ferber Company et al., petitioners, *v.* Theodore J. Ondrick et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 940. L. Lloyd Crosby, petitioner, *v.* The Bradstreet Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 947. Arthur Burton, petitioner, *v.* C. E. Taylor, Sheriff, etc. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 951. Jorge Americo Ungo, petitioner, *v.* Charles J. Beechie, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 952. Ohio ex rel. Samuel H. Sheppard, petitioner, *v.* Maury Koblentz, Commissioner of Correction of the State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 953. James Norman Yeloushan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 956. John G. MacMullen, petitioner, *v.* South Carolina Electric & Gas Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 957. French Line, petitioner, *v.* The New Zealand Insurance Company, Ltd. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 959. Amor F. Pierce et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 961. W. Reuen Fisher, petitioner, *v.* North Branch Products, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 962. John N. Thompson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 963. George Pekar et al., Individually, etc., petitioners, *v.* Local Union No. 181 of the International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 964. Lawrence Capitol, Inc., petitioner, *v.* Stanley-Warner Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 965. M. A. Holahan, Trustee, petitioner, *v.* Ford, Bacon & Davis, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 968. Milton Bradley Company et al., petitioners, *v.* The Gelles-Widmer Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 971. Robert A. Woodring, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 998. The Public Utilities Commission of the District of Columbia et al., petitioners, *v.* Leonard N. Bebhick et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 861. Harrison-Halsted Community Group, Inc., et al., petitioners, *v.* Housing and Home Finance Agency et al. The motion for leave to file a supplement to the petition for certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 881. Federal Pacific Electric Company et al., petitioners, *v.* City of Kansas City, Missouri. The motion of Union Electric Company for leave to file a brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 922. Harry J. Stadin, petitioner, *v.* Union Electric Company. The motion to dispense with printing appendix to the petition for certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 955. John J. Felice, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 958. Marcos Perez Jimenez, petitioner, *v.* Guy W. Hixon, United States Marshal, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black and Mr. Justice White took no part in the consideration or decision of this petition.

No. 65, Misc. Eugene S. Caplan, petitioner, *v.* Fred Korth, Secretary of the Navy, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 286, *Misc.* In the Matter of Gerald Pate, petitioner. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 644, *Misc.* William Sherman Hamlett, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 674, *Misc.* John William McCree, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 677, *Misc.* Morris Joseph, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 692, *Misc.* Clifton L. Hawkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 693, *Misc.* Clifton L. Hawkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 707, *Misc.* Oliver Smith, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 720, *Misc.* Daniel Jackson Oliver Wendel Holmes Morgan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 752, *Misc.* Thomas Lorenzo Williams, petitioner, *v.* Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 777, *Misc.* Dominic Sorrenti, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 838, *Misc.* Adam Amos Mack, Jr., et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 844, *Misc.* Joseph F. Bent, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 855, *Misc.* Charles L. Mault, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 944, *Misc.* Ralph Keene, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 958, *Misc.* Paul Courter Holland, petitioner, *v.* Charles W. Strawn, Sheriff, Coos County, Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 997, *Misc.* Fred Stein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1052, *Misc.* David Tom, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1056, *Misc.* Charles McGregor, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1073, *Misc.* Joseph Marchese, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1098, *Misc.* Raymond C. Marks, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1105, *Misc.* George Aiken, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1106, *Misc.* James H. Jobe, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1110, *Misc.* Walter R. Lott, petitioner, *v.* First Judicial District Court, Santa Fe, New Mexico, et al. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1112, *Misc.* William Clyde Wright, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1124, *Misc.* Elwin Rudolph King, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1126, *Misc.* Charles Lewis Aaron, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1172, *Misc.* David Coleman, petitioner, *v.* Wilfred Denno, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1190, *Misc.* James Douglas Latham and George Ronald York, petitioners, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1193, **Misc.** Jeannace June Freeman, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1153, **Misc.** Alfred Leonza Beard, petitioner, *v.* Walter Dunbar, Director, California Men's Colony, et al. Motion for leave to file a petition for writ of habeas corpus denied.

No. 1158, **Misc.** Haden Garfield Page, petitioner, *v.* Lamoyne Green, Superintendent, Marion Correctional Institution, et al. Motion for leave to file a petition for writ of habeas corpus denied. Treating the paper submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1235, **Misc.** Ralph Keene, petitioner, *v.* Supreme Court of Alabama. Motion for leave to file a petition for writ of mandamus denied.

REHEARINGS DENIED

No. 894. Toffenetti Restaurant Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for rehearing denied.

No. 557. Flora Construction Company, petitioner, *v.* Fireman's Fund Insurance Company et al. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 685, **Misc.** Claudia Walker, petitioner, *v.* Industrial Accident Commission of California et al. Motion for leave to file a second petition for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, May 20, 1963.

Adjourned until Monday, May 20, 1963, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Helen B. Norem, of Syracuse, N.Y., Michael R. Canestrano, of Syracuse, N.Y., John E. Glowacki, of Syracuse, N.Y., Joseph A. Ryan, of North Syracuse, N.Y., and Melvin Morton Slotnick, of Syracuse, N.Y., on motion of Mr. Estes Kefauver; James F. Curtin, of Long Beach, Calif., on motion of Mr. Alan Bible; Adolf D. Koch, of Seattle, Wash., and Richard Theodore Olson, of Seattle, Wash., on motion of Mr. Henry M. Jackson; Emery Peter Johnson, of Tucson, Ariz., on motion of Mr. John J. Rhodes; Thomas E. Lusk, of Carlsbad, N. Mex., and John B. Walker, of Carlsbad, N. Mex., on motion of Mr. Joe Richard Pool; Peter Corcoran, of Detroit, Mich., and Thomas B. Joseph, of Saginaw, Mich., on motion of Mr. Russell James Harvey; Charles L. Krueger, of Austin, Tex., and R. D. Lemon, of Perryton, Tex., on motion of Mr. Walter Rogers; Sterling F. Black, of Los Alamos, N. Mex., on motion of Mr. Walter R. Kegel; Donald Cohrt Gearhart, of Los Angeles, Calif., Jose A. Gonzalez, Jr., of Fort Lauderdale, Fla., Martin S. Gerber, of Chicago, Ill., Clarence Franklin Bihy, of Baltimore, Md., Robert George Quinn, Jr., of Grand Rapids, Mich., David Arthur Schmidt, of Maplewood, N.J., Michael Franck, of New York, N.Y., John Gurnee Bonomi, of New York, N.Y., Ronald Eisenman, of New York, N.Y., and Neal Stark Thomas, of El Paso, Tex., on motion of Mr. Daniel M. Friedman; John Willis Ball, of Jacksonville, Fla., on motion of Mr. Mac Asbill; Sidney Dorfman, of Beverly Hills, Calif., on motion of Mr. E. K. Gubin; George T. Heffernan, of El Paso, Tex., on motion of Mr. Morton S. Jaffe; Edward R. Thornton, of Manchester, N.H., on motion of Mr. Austin Leonard Roberts, Jr.; Harmon Duncombe, of New York, N.Y., on motion of Mr. Marshall Hornblower; John William Coleman, of Arlington, Va., on motion of Mrs. Kelsey Mott; Ned Berry Stiles, of New York, N.Y., William L. Lynch, of New York, N.Y., Joseph Chase, of New York, N.Y., Arthur Elfenbein, of New York, N.Y., George Weisz, of New York, N.Y., James W. Lamberton, of New York, N.Y., Edward A. Woolley, of New York, N.Y., and Melvin C. Steen, of New York, N.Y., on motion of Mr. Fowler Hamilton; Gerald Casper, of Commack, N.Y., Arnold Chiet, of Commack, N.Y., John Wallace Roberts, of Greenwich, Conn., Bernard John Daly, of Commack,

N.Y., Bernard Sarisohn, of Commack, N.Y., Floyd Sarisohn, of Commack, N.Y., Vincent V. Savoca, of Commack, N.Y., Joseph R. Mistretta, of Huntington, N.Y., Thomas V. Mallon, of Kings Park, N.Y., William A. Cahill, of Northport, N.Y., Robert M. Baum, of Smithtown, N.Y., and William D. Munro, of Smithtown, N.Y., on motion of Mr. Frank P. DeLuca; Robert Bleakley James, Jr., of Washington, D.C., Daniel McClinton Curts, of Washington, D.C., Clifford George Trott, of Washington, D.C., and Raymond Alois Servais, of Chevy Chase, Md., on motion of Mr. Edward Lee Gilmore; Fred Grabowsky, of Washington, D.C., and H. Terry Reiniche, of Johnson City, Tenn., on motion of Mr. Duane Leslie Faw; Robert Welch Mullen, of New York, N.Y., and William Cornelius McAuliffe, Jr., of New York, N.Y., on motion of Mr. Joseph Nacrelli; Ray G. Wilson, of Purcell, Okla., on motion of Mr. John Wilson Ellis; John D. McComish, of San Francisco, Calif., and Jalmer O. Rolfson, of Washington, D.C., on motion of Mr. Robert F. Milota; Donald A. Robinson, of Newark, N.J., and F. Earl Walter, of Newark, N.J., on motion of Mr. Bernard M. Shanley; Walter Norman Foster, of Cincinnati, Ohio, on motion of Mr. Edgar G. Shelton, Jr.; Channing Leathers Richards, of Charlotte, N.C., on motion of Mr. David E. Varner; Ulrich V. Hoffmann, of Washington, D.C., on motion of Mr. Oral D. Ozment; Charles D. Mahaffie, Jr., of Washington, D.C., on motion of Mr. Charles Delahunt Mahaffie; Frederick Carl Heiken, of Bethesda, Md., on motion of Mr. John O. Dahlgren; Earle Schweizer, of Takoma Park, Md., on motion of Mr. Paul D. Page, Jr.; Earl J. McHugh, of New York, N.Y., on motion of Mr. Douglas Marvin Clarkson; Edgar Poe Allen, of Washington, D.C., on motion of Mr. Smith W. Brookhart, Jr.; Earnest R. Taylor, of Morristown, Tenn., and William Howell Inman, of Morristown, Tenn., on motion of Mr. James A. Bistline; David F. Doody, of Los Angeles, Calif., on motion of Mr. Richard P. Schulze; Joseph Biafore, Jr., of Bridgeport, Conn., George J. Ferrio, of Bridgeport, Conn., William Joseph McGrath, of Bridgeport, Conn., Daniel V. McPadden, of Bridgeport, Conn., Arlen David Nickowitz, of Bridgeport, Conn., Peter Wilkinson, of Bridgeport, Conn., George Wolf, of Bridgeport, Conn., Philip Trager, of Fairfield, Conn., Emile W. Jacques, Jr., of Greenwich, Conn., Henry W. Pascarella, of Greenwich, Conn., Stanley M. Barall, of Hartford, Conn., John Arthur Berman, of Hartford, Conn., Philip M. Finkelstein, of Hartford, Conn., Maxwell Heiman, of Hartford, Conn., Thomas Patrick Heslin, of Hartford, Conn., James J. Kennelly, of Hartford, Conn., H. Martyn Owen, Jr., of Hartford, Conn., Sanford Leon Rosenberg, of Hartford, Conn., Mark Charles Yellin, of Hartford, Conn., Herbert Barall, of East Hartford, Conn., Albert Joseph Callahan, of West Hartford, Conn., Philip Allan Post,

of West Hartford, Conn., Colin C. Tait, of New Hartford, Conn., Harry N. Jackaway, of Kensington, Conn., Morton Harold Greenblatt, of Meriden, Conn., Edward J. McCarthy, Jr., of Middlebury, Conn., Kevin T. Nixon, of Naugatuck, Conn., James Francis Dawson, of New Britain, Conn., Henry John Gwiazda, of New Britain, Conn., Paul Jude McQuillan, of New Britain, Conn., Jack H. Evans, of New Haven, Conn., Paul Anthony Scholder, of New Haven, Conn., John William Kline, of West Haven, Conn., Alfred W. Burkhart, of Norwalk, Conn., Arthur Harris Salvin, of Norwalk, Conn., John E. Dowling, of Ridgefield, Conn., Herbert Hannabury, of Rockville, Conn., Robert L. Baum, of Rockville, Conn., Leo B. Flaherty, Jr., of Rockville, Conn., Charles M. Rice, of Simsbury, Conn., John C. Macrides, of Stamford, Conn., Ronald M. Schwartz, of Stamford, Conn., Donald F. Zezima, of Stamford, Conn., Edward Y. O'Connell, of Stafford Springs, Conn., Ralph Gerald Murphy, of Torrington, Conn., James Francis Henebry, of Waterbury, Conn., James R. Lawlor, of Waterbury, Conn., John D. Mahaney, of Waterbury, Conn., James F. McGrath, of Waterbury, Conn., James Francis Meenan, of Waterbury, Conn., Harry F. Spellman, of Waterbury, Conn., John A. Villano, of Waterbury, Conn., Thomas John McMahon, of Westport, Conn., Lee Burger Shilepsky, of Westport, Conn., George R. Olexo, of Wilton, Conn., and S. William Bromson, of Windsor Locks, Conn., on motion of Mrs. Thomas J. Dodd, Jr.; and Victor Friedman, of Burlington, N.J., Sydney Scull Souter, of Lawrenceville, N.J., Hervey S. Moore, Jr., of Princeton, N.J., Kester R. Pierson, of Princeton, N.J., Henry M. Stratton II, of Princeton, N.J., Theodore T. Tams, Jr., of Princeton, N.J., Edward J. Leadem, of Trenton, N.J., Martin P. Devlin, Jr., of Trenton, N.J., Samuel Leventhal, of Trenton, N.J., Frank V. Walsh, Jr., of Trenton, N.J., Samuel D. Lenox, Jr., of Trenton, N.J., Alan S. Lavine, of Trenton, N.J., Henry F. Satterthwaite, of Trenton, N.J., Arthur A. Salvatore, of Trenton, N.J., James J. McLaughlin, of Trenton, N.J., Joseph Markowitz, of Trenton, N.J., Kenneth J. Dawes, Jr., of Trenton, N.J., Alfred Abbotts, of Trenton, N.J., Anton J. Hollendonner, Jr., of Trenton, N.J., Eugene T. Urbaniak, of Trenton, N.J., Joseph T. Maloney, of Trenton, N.J., Amel Stark, of Trenton, N.J., Harry R. Hill, Jr., of Trenton, N.J., G. Henry Weston, of Trenton, N.J., Irving Friedman, of Trenton, N.J., Harold D. Coleman, of Trenton, N.J., Mary Joan Dickson, of Trenton, N.J., Samuel A. LaPaglia, of Trenton, N.J., Benjamin A. Poreda, of Trenton, N.J., John S. Piersanti, of Trenton, N.J., George Y. Schoch, of Trenton, N.J., Thomas J. McGann, of Trenton, N.J., Frank J. Kriesick, of Trenton, N.J., Jack H. Strausfogel, of Trenton, N.J., Burton Peskin, of Trenton, N.J., Herbert F. Moore, of Trenton, N.J., and Francis J. Strapp, of Trenton, N.J., on motion of Mr. Frank Thompson, Jr., were admitted to practice.

OPINIONS

No. 150. Harold J. Silver, d/b/a Municipal Securities Company, et al., petitioners, *v.* New York Stock Exchange. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Mr. Justice Clark concurs in the result on the grounds stated in the opinion of the District Court, 196 F. Supp. 209, and the dissenting opinion in the Court of Appeals, 302 F. 2d 714. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins.

No. 491. Albert Andrews, petitioner, *v.* United States; and

No. 494. Robert L. Donovan, petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and cases remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 72. Wisconsin et al., petitioners, *v.* Federal Power Commission et al.;

No. 73. California et al., petitioners, *v.* Federal Power Commission et al.; and

No. 74. Long Island Lighting Co., et al., petitioners, *v.* Federal Power Commission et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Clark with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan join.

No. 97. The Baltimore & Ohio Railroad Company et al., appellants, *v.* Boston and Maine Railroad et al.;

No. 98. Maryland Port Authority et al., appellants, *v.* Boston and Maine Railroad et al.; and

No. 99. Interstate Commerce Commission, appellant, *v.* Boston and Maine Railroad et al. Appeals from the United States District Court for the District of Massachusetts. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice White took no part in the consideration or decision of this case.

No. 71. James Richard Peterson et al., petitioners, *v.* City of Greenville. On writ of certiorari to the Supreme Court of South Carolina. Judgment reversed and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Opinion by

Mr. Justice Harlan concurring in the result in No. 71 and dissenting in whole or in part in Nos. 58, 66, 11, and 67, *infra*.

No. 66. James Gober et al., petitioners, *v.* City of Birmingham. On writ of certiorari to the Court of Appeals of Alabama. Judgments reversed and case remanded to the Court of Appeals of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 67. F. L. Shuttlesworth et al., petitioners, *v.* City of Birmingham. On writ of certiorari to the Court of Appeals of Alabama. Judgment reversed and case remanded to the Court of Appeals of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

No. 11. John Thomas Avent et al., petitioners, *v.* North Carolina. On writ of certiorari to the Supreme Court of North Carolina. Judgment vacated and case remanded to the Supreme Court of North Carolina for consideration in light of Peterson *v.* City of Greenville. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 58. Rudolph Lombard et al., petitioners, *v.* Louisiana. On writ of certiorari to the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Douglas.

No. 68. Nathaniel Wright et al., petitioners, *v.* Georgia. On writ of certiorari to the Supreme Court of Georgia. Judgment reversed and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 879. Ship-By-Truck Co., Inc., etc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Kansas. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 935. Atwood's Transport Lines, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the District of Columbia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 937. Illinois et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of

Illinois. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 887, Misc. Samuel Richards, appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Eastern District. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 975, Misc. Arthur Drexel, appellant, *v.* The Ohio Pardon and Parole Commission. Appeal from the United States District Court for the Southern District of Ohio. The appeal is dismissed. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 26. William L. Griffin et al., petitioners, *v.* Maryland. This case is restored to the calendar for reargument.

No. 1011. United States *v.* Ross R. Barnett et al. The motion of Barnett et al. to advance is denied.

APPEAL—JURISDICTION NOTED

No. 942. United States, appellant, *v.* Wiesenfeld Warehouse Company. Appeal from the United States District Court for the Middle District of Florida. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 1024. Wilbur-Ellis Company et al., petitioners, *v.* Max K. Kuther. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

CERTIORARI DENIED

No. 967. John Sing et al., petitioners, *v.* Louie L. Wainwright, Director, Division of Corrections, Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 970. Edward J. Brunenkant, petitioner, *v.* Anthony J. Celebrezze, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 972. Paul Burke, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 974. Leo B. Mittelman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 976. Nolan Wayne Weeks, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 977. Mitsubishi International Corporation, petitioner, *v.* Steamship "Palmetto State" et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 982, Sigurd N. Hersloff and Joseph J. Stern, Trustees, etc., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 991. The Clifton Investment Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 994. Garfield Trust Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 995. William H. Wilson et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 997. Atlantic & Gulf Stevedores, Inc., petitioner, *v.* American Export Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1001. National Starch Products, Inc., petitioner, *v.* United States (Index Industrial Corp., Party in Interest). Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 1007. John Arthur Luomola, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1036. Theodore Roosevelt Nealey and Inez Dankins, petitioners, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 960. Joyce Farnady Lucas, petitioner, *v.* State Farm Mutual Automobile Insurance Company et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. Mr. Justice Douglas took no part in the consideration or decision of this petition.

No. 980. Flight Engineers' International Association, EAL Chapter, AFL-CIO, petitioner, *v.* Eastern Air Lines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 986. Anthony Joseph Zambito, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals

for the Fourth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 144, *Misc.* Alex Junior Jackson, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 671, *Misc.* Guy O. Kessler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 770, *Misc.* Harold Forte, petitioner, *v.* Victor G. Walker, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 860, *Misc.* Palmer Giles, petitioner, *v.* E. L. Maxwell, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 882, *Misc.* Delbert Wayne Wells, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 907, *Misc.* Robert Ray "Bob" Stokes, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 912, *Misc.* Thomas James Dunn II, petitioner, *v.* Walter Dunbar, Director of Corrections, Adult Authority, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 957, *Misc.* James E. Williams, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 959, *Misc.* Stanley Eugene Tranowski, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County of Illinois denied.

No. 960, *Misc.* Alfred L. Reahm, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 961, *Misc.* William A. Garcia, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 972, *Misc.* Ernest Goodman, Sr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 973, *Misc.* Bernard Levy, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 976, *Misc.* Jack Wilkerson, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 977, **Misc.** Eugene L. Sturges, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 987, **Misc.** Sigmund Zochowski, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 988, **Misc.** Robert Beauchamp, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 991, **Misc.** Woodrow W. Gainey, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 999, **Misc.** William Praylow, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1006, **Misc.** Ambrose Griffith, petitioner, *v.* William Harris and Richard Minton. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1014, **Misc.** Donald Wynn Johnson, petitioner, *v.* Frank J. Pate, Warden, et al. Petition for writ of certiorari to the Circuit Court of Rock Island County of Illinois denied.

No. 1049, **Misc.** J. H. Hollis, petitioner, *v.* George J. Beto, Director, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1054, **Misc.** John T. Glazewski, petitioner, *v.* New Jersey et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1060, **Misc.** Alfred J. Leeper, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of the Pennsylvania, Western District, denied.

No. 1078, **Misc.** Frank Buonpane, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1079, **Misc.** Lonnie Andrews, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1082, **Misc.** Edward J. Stephens, petitioner, *v.* Harry A. LaBurt, M.D., Director, Creedmoor State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1096, **Misc.** Willie Alexander, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1102, **Misc.** James William Harrison, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1109, **Misc.** Will Bowen, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1242, **Misc.** Nathaniel Gaines, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1035, **Misc.** William W. Stewart, petitioner, *v.* Michigan et al. Petition for writ of certiorari to the Supreme Court of Michigan and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1044, **Misc.** Lion Manufacturing Corporation et al., petitioners, *v.* Matthew F. McGuire, Chief Judge, United States District Court for the District of Columbia. Motion for leave to file petition for writ of mandamus denied. Mr. Justice White took no part in the consideration or decision of this motion.

REHEARINGS DENIED

No. 70. Irving J. Wolf et al., petitioners, *v.* Arnold A. Weinstein et al. Petitions for rehearing of respondents Fried and Weinstein denied.

No. 892, **Misc.** C. J. Williams, petitioner, *v.* E. V. Nash, Warden; and

No. 896, **Misc.** Charles C. Patterson et al., appellants, *v.* Newport News Redevelopment and Housing Authority. Petitions for rehearing denied.

ORDER

It is ordered that the Rules of this Court be amended by inserting the following section after Rule 61:

"PART XII. APPLICATION OF TERMS

"62

"TERM 'STATE COURT' INCLUDES SUPREME COURT OF PUERTO RICO

"The term 'state court' when used in these rules includes the Supreme Court of the Commonwealth of Puerto Rico, and references in these rules to the law and statutes of a state include the law and statutes of the Commonwealth of Puerto Rico."

RECESS ORDER

The Court will take a recess from today until Monday, May 27, 1963.

Adjourned until Monday, May 27, 1963, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Kenneth Patrick Glennon, of Buffalo, N.Y., David Harold Marlin, of Ridgefield, Conn., Carl Eardley, of Washington, D.C., James Mitchell Reese, Jr., of Washington, D.C., Alfred Aronovitz, of Miami, Fla., Charles Louis Cohen, of Miami, Fla., Sampson Miller Culpepper, of Macon, Ga., William James Wade, of Atlanta, Ga., William P. Crewe, of Bethesda, Md., Paul Joseph Komives, of Detroit, Mich., Sanford Rosenthal, of Detroit, Mich., Thomas Francis Quinn, Jr., of Detroit, Mich., J. Edmund de Castro, Jr., of Buffalo, N.Y., Arthur P. Duffy, of Garden City, N.Y., Goodman A. Sarachan, of Rochester, N.Y., John E. Sprizzo, of New York, N.Y., and Herbert S. Miller, of Alexandria, Va., on motion of Mr. Solicitor General Archibald Cox; Robert B. Duncan, of Medford, Oreg., Roy James Birkmeyer, of Amarillo, Tex., and Robert C. Bruce, of Waco, Tex., on motion of Mr. Wayne Lyman Morse; Peter Echeverria, of Reno, Nev., on motion of Mr. Alan Bible; E. Norman Veasey, of Wilmington, Del., W. Laird Stabler, Jr., of Wilmington, Del., Hiram Wallingford Warder, of Wilmington, Del., and Robert White Tunnell, of Georgetown, Del., on motion of Mr. James Caleb Boggs; M. Teitelbaum, of Dayton, Ohio, on motion of Mr. Robert Taft, Jr.; John H. Boman, Jr., of Atlanta, Ga., on motion of Mr. John Longstreet Weltner; John Neal Cooley, of Hanford, Calif., on motion of Mr. John J. McFall; Warren L. Johns, of Glendale, Calif., and John Richard Marcus, of Panorama City, Calif., on motion of Mr. H. Allen Smith; Pearse O'Connor, of Pittsburgh, Pa., on motion of Mr. William S. Moorhead; Wyatt J. Baldwin, of Beaumont, Tex., Joe B. Goodwin, of Beaumont, Tex., George Buford, of Port Arthur, Tex., and Robert Lee Woods, of McKinney, Tex., on motion of Mr. William Ramsey Clark; Roscoe D. Jones, Jr., of Oakland, Calif., on motion of Mr. Joseph F. Spaniol, Jr.; William Ballard McElhenny, of Topeka, Kans., on motion of Mr. Brice Wilson Rhyne; John B. Morey, of Waco, Tex., and C. Douglas Ward, of Houston, Tex., on motion of Mr. Walter I. Horlick; Eli Maurice Nefussy, of New Bedford, Mass., on motion of Mr. Thomas P. Kerester; William Emmet Zeiter, of Philadelphia, Pa., on motion of Mr. J. Louis Monarch; George B. Catlin, of Detroit,

Mich., and Clyde T. Rollins, of Greensboro, N.C., on motion of Mr. Alfred Miller; Lewis Kates, of Philadelphia, Pa., and Errol S. Willes, of Fort Pierce, Fla., on motion of Mr. David Berger; Samuel Markel Trivas, of Baltimore, Md., on motion of Mr. Charles S. Sures; J. Herbert Josephs, of Pine Beach, N.J., Arthur Kimmel, of Englewood, N.J., Eugene Jume, of Lakewood, N.J., Bernard E. Ressler, of Lakewood, N.J., and Ruben D. Silverman, of Lakewood, N.J., on motion of Mr. Harold Lipsky; Ivan H. Smith, of Little Rock, Ark., on motion of Mr. James E. Westbrook; Kenneth J. Dugan, of Albany, N.Y., on motion of Mr. Frank Flournoy Roberson; Garbis C. Jeknovorian, of Milwaukee, Wis., on motion of Mr. George H. Cross; Wesley Gordon Carey, of Miami, Fla., on motion of Mr. John H. Lewis, Jr.; Herman I. Pollock, of Philadelphia, Pa., on motion of Mr. Charles B. Murray; Albert J. Walker, of New York, N.Y., on motion of Mr. James J. Sweeny; Vincent A. Theisen, of Wilmington, Del., on motion of Mr. Gordon W. Daisley; Harold Infield, of Akron, Ohio, on motion of Mr. Donald R. Brenner; Leonard Abrams, of Washington, D.C., on motion of Mr. Sidney S. Sachs; Richard Glenn Stephens, of Binghamton, N.Y., on motion of Mr. Franklin David Wolfe; Harold Cohen, of New York, N.Y., on motion of Mr. Benjamin Dorsey; J. Perry Langford, of San Diego, Calif., on motion of Mr. George Kaufmann; William M. Brady, of Boston, Mass., on motion of Mr. John Franklin Fort; Robert James Panton, of Washington, D.C., on motion of Mr. Walter Franklin Norris; Ralph Norvell, of New York, N.Y., and Bertel M. Sparks, of New York, N.Y., on motion of Mr. Lawrence P. King; Oscar F. Irwin, of San Diego, Calif., on motion of Mr. Gilbert A. Cuneo; Gerald N. Mellman, of Denver, Colo., on motion of Mr. Warren G. Elliott; Irving J. Raley, of Arlington, Va., on motion of Mr. Vernon V. Baker; Robert M. Byrn, of New York, N.Y., James Denton McCauley, of New York, N.Y., Otis Pratt Pearsall, of New York, N.Y., and Robert J. Sisk, of New York, N.Y., on motion of Mr. Powell Pierpoint; Archibald Lovett Morris, of Savannah, Ga., and R. Basil Morris, of Savannah, Ga., on motion of Mr. Linton M. Collins; Russell R. Sage, of Minneapolis, Minn., on motion of Mr. Donald W. Markham; Edward W. Hughes, of Philadelphia, Pa., on motion of Mr. Frank L. Neuhauser; Joseph Anthony Procaccino, of Washington, D.C., on motion of Mr. Lawrence C. Moore; James Dollar Baskin, Jr., of San Antonio, Tex., on motion of Mr. William A. Goodrich; Aribert L. Young, of Indianapolis, Ind., on motion of Mr. Charles Stephen Leonard; John J. Donohue, of Amityville, N.Y., James Albert Gowan, of Bay Shore, N.Y., W. Patrick Hughes, of Bay Shore, N.Y., John F. Middlemiss, Jr., of Bay Shore, N.Y., Moses Nelson, of Bay Shore, N.Y., Richard F. Plotka, of Bay Shore, N.Y., Jack Weiss, of Bay Shore, N.Y., Mortimer Cohen, of Babylon, N.Y., Irving

Like, of Babylon, N.Y., Aaron A. Linkin, of Babylon, N.Y., Irving Kahn, of Belle Terre, N.Y., John F. Middlemiss, of Brooklyn, N.Y., Arthur J. Abrams, of Commack, N.Y., Howard E. Pachman, of Commack, N.Y., John Braslow, of Deer Park, N.Y., Arthur L. Canner, of East Islip, N.Y., Joseph F. O'Neill, of West Islip, N.Y., Roy J. Litwin, of Great River, N.Y., I. Leonard Feigenbaum, of Huntington, N.Y., Melvyn Tanenbaum, of Huntington, N.Y., Nathaniel Miller, of Huntington Station, N.Y., Patrick J. Canning, of Lindenhurst, N.Y., Philip West Stackpole, of Montclair, N.J., Wallace F. Davidow of Patchogue, N.Y., Lloyd A. Feuer, of Patchogue, N.Y., George E. Lechtrecker, of Patchogue, N.Y., Burton Hugh Mars, of Patchogue, N.Y., Michael Resnik, of Patchogue, N.Y., Murray Bogatin, of Sayville, N.Y., Robert Cedar, of Selden, N.Y., Morton Weissman, of Selden, N.Y., Peter J. Costigan, of Setauket, N.Y., Lefferts Paine Edson, of Southold, N.Y., Joseph Andrew Krupski, of Southold, N.Y., and John E. Hurley, of Westhampton Beach, N.Y., on motion of Mr. George Dyson Friou; and Barton S. Udell, of Coral Gables, Fla., Richard M. Sepler, of Hialeah, Fla., Edward Joseph James Atkins, of Miami, Fla., Robert Merle Bader, of Miami, Fla., David M. Bloomberg, of Miami, Fla., John Rodgers Camp, Jr., of Miami, Fla., Paul E. Gifford, of Miami, Fla., Donald Dickey Gillis, of Miami, Fla., George V. Lanza, of Miami, Fla., Edward Louis Magill, of Miami, Fla., John Cyril Malloy, of Miami, Fla., David McDonald, of Miami, Fla., Robert E. Metzker, of Miami, Fla., Charles F. Mills, of Miami, Fla., Robert L. Shevin, of Miami, Fla., Eugene M. Short, Jr., of Miami, Fla., John Miller Thomson, of Miami, Fla., Alden Norman Drucker, of Miami Beach, Fla., Herman A. Greenglass, of Miami Beach, Fla., Lawrence Gardner Ropes, Jr., of South Miami, Fla., Louie Norman Adcock, Jr., of St. Petersburg, Fla., Gardner Wise Beckett, Jr., of St. Petersburg, Fla., Richard Fleming Logan, of St. Petersburg, Fla., Morison Buck, of Tampa, Fla., James Clayton Burke, Jr., of Atlanta, Ga., Arthur Caesar Chapman, of Chicago, Ill., Hugh Armstrong Hardy, of Chicago, Ill., James Leonard Harris, of Chicago, Ill., Frank John Kuta, of Chicago, Ill., Earle A. Malkin, of Chicago, Ill., Roy Rocco Mascato, of Chicago, Ill., Warren G. Petersen, of Chicago, Ill., LeRoy Edward Stevens, of Chicago, Ill., Louis B. Tishler, Jr., of Chicago, Ill., Richard E. Burn, of Elmhurst, Ill., and Theodore George Koerner III, of Park Ridge, Ill., on motion of Mr. William E. O'Donovan, were admitted to practice.

OPINIONS

No. 147. Raymond L. Haynes, petitioner, *v.* Washington. On writ of certiorari to the Supreme Court of Washington. Judgment vacated and case remanded to the Supreme Court of Washington for

further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 424. I. A. Watson, Jr., et al., petitioners, *v.* City of Memphis et al. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg.

No. 631. Alvin R. Campbell et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment of the Court of Appeals as well as the judgments of conviction vacated and case remanded to the United States District Court for the District of Massachusetts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan and Mr. Justice Stewart join.

No. 236. German S. Lopez, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Brennan with whom Mr. Justice Douglas and Mr. Justice Goldberg join.

No. 332. Fenelon Boesche, Administrator, etc., petitioner, *v.* Stewart L. Udall, Secretary of the Interior. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 513. Willie Norvell, petitioner, *v.* Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Harlan concurs in the result. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Stewart joins.

No. 506. United States, appellant, *v.* Jerry Braverman. Appeal from the United States District Court for the Southern District of California. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 509. Elijah Reed, petitioner, *v.* Steamship Yaka, etc., et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 322. Alexander T. Sperry, petitioner, *v.* State of Florida ex rel. The Florida Bar. On writ of certiorari to the Supreme Court of Florida. Judgment vacated and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 15, **Original.** State of Alabama, by and through George C. Wallace as its Governor, and George C. Wallace in his Capacity as Governor of the State of Alabama, plaintiffs, *v.* United States of America and Robert S. McNamara, Individually and as Secretary of Defense of the United States of America. On motion for leave to file bill of complaint. The motion for leave to file the proposed bill of complaint, as amended, is denied. Opinion *per curiam*. Mr. Justice White took no part in the consideration or decision of this case.

No. 532. Jolen Hathaway, appellant, *v.* Texas. Appeal from the County Court of Cooke County of Texas. Judgment reversed on the representations of counsel for the appellee and remanded to the County Court of Cooke County of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 936. Yale Transport Corp., appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of New York. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 973. Food Fair Stores, Inc., et al., appellants, *v.* The Zoning Board of Appeals of the City of Pompano Beach, Florida. Appeal from the Supreme Court of Florida. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 981. Mile Road Corp., appellant, *v.* City of Boston. Appeal from the Superior Court of Massachusetts, Suffolk County. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 984. Guillermo Gonzalez et al., appellants, *v.* City of Chicago. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 989. Robert Milne, appellant, *v.* Rhode Island. Appeal from the Supreme Court of Rhode Island. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 706, Misc. Ralph Martin Buffington, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 966, Misc. Perry Edward Smith, appellant, *v.* Kansas et al. Appeal from the Supreme Court of Kansas. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1024, Misc. Francisco Cepero, appellant, *v.* Honorable United States Congress et al. Appeal from the United States District Court for the Southern District of New York. The appeal is dismissed. Opinion *per curiam*.

No. 1058, Misc. Susie Lee Counts, appellant, *v.* Carl Aaron Counts. Appeal from the Court of Civil Appeals of Texas, Third Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1227, Misc. Francisco Cepero, appellant, *v.* Honorable Government of the United States of America. Appeal from the United States District Court for the Southern District of New York. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 45. Florida Lime and Avocado Growers, Inc., et al., appellants, *v.* Charles Paul, Director of Department of Agriculture of California, et al.; and

No. 49. Charles Paul, Director of Department of Agriculture of California, et al., appellants, *v.* Florida Lime and Avocado Growers, Inc., et al. It is ordered that the opinion of this Court in these cases be amended by adding to footnote 18, the following paragraph:

"Nor have we any occasion to consider the possible applicability to the Supremacy Clause issue of the provisions of 21 U.S.C. § 341, since neither party has made any reference to that statute either before the District Court or in this Court."

No. 403. Banco Nacional de Cuba, petitioner, *v.* Peter L. F. Sabatino, etc., et al. Further consideration of the motion for leave to

substitute *Compania Azucarera Vertientes-Camaguey de Cuba* in place of Peter L. F. Sabbatino as a party respondent is postponed pending a hearing on the merits of the case.

No. —. In the Matter of Louis B. Zavin. The motion to amend the attorneys' roll to show the change of name of Louis B. Zavin to Louis Brooks Gavin is granted.

APPEAL—JURISDICTION NOTED

No. 944. United States, appellant, *v.* El Paso Natural Gas Company et al. Appeal from the United States District Court for the District of Utah. The motion for the State of California for leave to file a brief, as *amicus curiae*, is granted. In this case probable jurisdiction is noted. Mr. Justice White took no part in the consideration or decision of this case.

CERTIORARI GRANTED

No. 537. National Labor Relations Board, petitioner, *v.* Exchange Parts Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 979. Dion Tyrone Diamond, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana granted and case placed on the summary calendar.

No. 722, Misc. John Brenton Preston, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Case transferred to the appellate docket.

CERTIORARI DENIED

No. 335. Swarco, Inc., etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 742. H. F. Keeler et ux., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 779. Richard Bostic, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 842. Seafarers International Union of North America, Atlantic, Gulf, Lakes & Inland Water District, Puerto Rico Division, AFL-CIO, petitioner, *v.* Valencia Baxt Express, Inc., et al. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 867. John Hollman, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 941. Thomas B. Wheeler, petitioner, *v.* Louisiana State Bar Association. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 983. Buck Willcoxson, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 987. Board of Trustees of School District No. 1 of Clarendon County, South Carolina, et al., petitioners, *v.* Bobby Brunson et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1000. Richard H. Shafer et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1003. Jefferson City Cabinet Co., petitioner, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1005. John M. Shubin et al., petitioners, *v.* United States District Court for the Southern District of California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1012. Frank E. Lipp et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 824. Willard Dairy Corporation, petitioner, *v.* National Dairy Products Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Black, dissenting from the denial of certiorari:

“Ordinarily I do not file dissents from denials of certiorari. But this is far from an ordinary case. The action of the Court in denying certiorari is almost as shocking to me as the arbitrary manner in which the trial judge shut off every effort of petitioner to amend its complaint so as to invoke a right granted by a federal statute and to have its case fully tried on sworn evidence rather than summarily disposed of on affidavits and preliminary papers.

“Petitioner, a local dairy having a single plant in Ohio, filed this action against respondent, a large national company operating in interstate commerce, seeking treble damages under the Robinson-Patman Act, which outlaws discriminations in price between purchasers of commodities of like grade and quality where any of the purchases involved are in interstate commerce. The complaint charged that respondent, selling from a plant at Shelby, Ohio, had

damaged petitioner by cutting milk prices where it competed with petitioner but not cutting prices elsewhere in Ohio. The complaint did not, however, allege any price discrimination which involved sales across state lines. Petitioner then asked the court to allow it to amend its complaint to show that, although respondent cut prices for intrastate sales where it competed with petitioner, it did not cut prices for sales made in interstate commerce. It seems clear to me that this amendment would have brought petitioner's case within the protective provisions of the statute. Nevertheless the trial judge twice rejected petitioner's efforts to add this simple but necessary factual allegation. His right of recovery being thus threatened with permanent destruction by the judge, petitioner moved to dismiss his case without prejudice in order that he would be able to file a new suit upon payment of the costs of the first. The trial judge, however, refused even to allow petitioner orally to argue the merits of his motion and rendered summary judgment, dismissing the case so as to bar petitioner from ever bringing another suit. The trial judge saw fit to ignore Rule 15(a), which says that leave to amend 'shall be freely given when justice so requires'. This and the other Federal Rules 'reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits'. *Conley v. Gibson*, 355 U.S. 41, 48 (1957). The Federal Rules were meant to prevent just the sort of technical and arbitrary action that took place below. The frustration of statutory rights by harsh and unjustifiable procedural rulings is wholly out of place in an enlightened system of jurisprudence.

"Moreover, I think the result below is irreconcilable with this Court's decision in *Moore v. Mead's Fine Bread Co.*, 348 U.S. 115 (1954), in which we said that the Robinson-Patman Act condemns the monopolistic practice under which profits made in nondiscriminatory interstate transactions are used to offset losses arising from discriminatory price-cutting at the local level. I believe that the Court of Appeals in the present case misconstrued both the statute and *Moore* when it held that respondent's interstate shipments 'from other than its Shelby, Ohio, plant' were 'wholly immaterial' to this case. Refusing to grant certiorari here means that this Court is allowing the economic resources and staying power of an interstate company to be used with impunity to destroy local competition, precisely the sort of thing the Robinson-Patman Act aimed to prevent. The present case presents an important question of price-cutting by interstate business with local plants, each of which services largely a local area but all of which draw on the economic power of the national operation. Judgments like the one left standing here make it diffi-

cult indeed for small, independent, local companies to survive against the predatory assaults of their larger and more powerful interstate competitors. I would grant certiorari."

No. 931. Carlos Marcello, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 988. Frank Petzelt, petitioner, *v.* Theodore J. Mayer. Upon consideration of the suggestion of death, the motion to substitute Joseph T. Lochen, as Administrator, in the place of Theodore J. Mayer is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 999. William Leighton, petitioner, *v.* One William Street Fund, Inc., et al. The motion to dispense with printing the petition for writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 376, Misc. Mario J. DeLucia, petitioner, *v.* Howard Yeager, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 642, Misc. James Kelly Garner, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 663, Misc. Joseph Boyle, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 668, Misc. Marvin Herring, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 792, Misc. Robert E. Lipscomb, petitioner, *v.* O. G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 827, Misc. Chester L. Oughton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 833, Misc. Charles E. Lawrenson, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 843, Misc. Elijah L. Frison, petitioner, *v.* District of Columbia Department of Corrections et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 864, **Misc.** William Howard Duncan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 874, **Misc.** Frank Sepulveda Casados, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 889, **Misc.** Richard Bruce McAulay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 897, **Misc.** Daniel Elchuk, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 918, **Misc.** Willie Junior Rakes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 941, **Misc.** Samuel Blyther, petitioner, *v.* James T. Dyson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 942, **Misc.** Vernon C. O'Neill, petitioner, *v.* North Dakota. Petition for writ of certiorari to the Supreme Court of North Dakota denied.

No. 946, **Misc.** General Harris, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 949, **Misc.** Aram Hovnanian, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 954, **Misc.** Robert Emmett Klein, petitioner, *v.* William C. Keating, Jr., M.D., Superintendent, California Medical Facility, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 964, **Misc.** Michael Robert Shaffer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 981, **Misc.** Alfred James Williams, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 985, **Misc.** Tom Don Franano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 989, **Misc.** Robert H. Long, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 990, **Misc.** Lawrence E. McCleary, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeals of California, Second Appellate District, denied.

No. 1008, **Misc.** Phillip Scasserra, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1009, **Misc.** Samuel T. Stevens, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1012, **Misc.** Fred D. McLaurin, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1013, **Misc.** Louis Cuomo, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1016, **Misc.** Roy Ramsey, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1021, **Misc.** Joe L. Christian, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1025, **Misc.** Charles E. Taylor, petitioner, *v.* Jack Heard, Assistant Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1029, **Misc.** John Gant, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1034, **Misc.** Earl C. Bieu, petitioner, *v.* Warden, Connecticut State Prison. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 1037, **Misc.** Philip Priore, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1038, **Misc.** Ernest Marshall, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1048, **Misc.** Arstell Young, petitioner, *v.* George Kropp, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1050, **Misc.** Raymond Meholchick, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition

for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. **1051, Misc.** Miguel Mangual, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1053, Misc.** Harley W. Miller, petitioner, *v.* C. T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **1055, Misc.** Robert L. Head, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. **1057, Misc.** Samuel Speese, petitioner, *v.* Clarence Wolfe, Superintendent, Allegheny County Workhouse. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. **1059, Misc.** Donald Peppentenza, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. **1062, Misc.** Clarence R. Bosler, petitioner, *v.* Honorable S. P. Dalton et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1063, Misc.** John J. Clouthier, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1067, Misc.** Ira Mack Christoph, petitioner, *v.* H. E. Moore, Warden. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. **1075, Misc.** James Collins, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1086, Misc.** Fred Sykes and Thomas Ruffin, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1088, Misc.** Manuel M. Balthazar, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1090, Misc.** Robert Edward McClindon, petitioner, *v.* Dr. W. N. C. Keating et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1091, Misc.** Herman Morgan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1094, *Misc.* Edgar Lee Howe, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1097, *Misc.* Bennie Doster, petitioner, *v.* George A. Kropp, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1103, *Misc.* Virgil Roy Burks, petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1107, *Misc.* Jessie Abraham, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1118, *Misc.* Monroe Robinson, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1122, *Misc.* Irving Ellington, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1128, *Misc.* William Vena Jordan, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1129, *Misc.* J. D. Sterling, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1130, *Misc.* Chester Milton Wade, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1132, *Misc.* Alfonso Juan Alire, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1133, *Misc.* Bobby Ray Gill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1143, *Misc.* Paige E. Church, petitioner, *v.* Clarence T. Gladden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1145, *Misc.* Stephen Galascewski, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1147, *Misc.* Thomas Woods, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1148, *Misc.* Charles R. Fox, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of

certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1160, Misc. John L. Reed, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1161, Misc. Richard E. Leigh, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1180, Misc. Joseph L. Gilmore, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1197, Misc. Eddie W. X. Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1209, Misc. Wendell McIntosh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1222, Misc. Frank Egitto, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1224, Misc. Harry Ludwig, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1251, Misc. Roy L. Story, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1266, Misc. Keith Lee Osborne, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 1297, Misc. Irving Leibowitz, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 596, Misc. Richard Raymond, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied in light of the representation made by counsel for the respondent.

No. 824, Misc. Mark Coppedge, Jr., petitioner, *v.* United States. The motion for leave to use the record in **No. 157, October Term, 1961**, is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1065, **Misc.** Paul Rodger Weller, petitioner, *v.* California et al.;

No. 1117, **Misc.** Woodie Adams, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution;

No. 1154, **Misc.** Ex parte Malcolm R. Schlette, petitioner;

No. 1169, **Misc.** Charles F. Hanovich, petitioner, *v.* E. L. Maxwell, Warden, et al.;

No. 1188, **Misc.** James Lanyon Killgore, petitioner, *v.* John T. Willingham, Warden, et al.;

No. 1248, **Misc.** Milton T. Pratt, petitioner, *v.* Missouri; and

No. 1277, **Misc.** Robert E. McCaffrey, petitioner, *v.* David N. Heritage, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1223, **Misc.** Ernest Gruetzmacher, petitioner, *v.* John C. Burke, Warden;

No. 1239, **Misc.** Perry Walker, petitioner, *v.* Frank J. Pate, Warden, et al.; and

No. 1279, **Misc.** Theodore Harper, petitioner, *v.* California. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1042, **Misc.** Sidney Rice, petitioner, *v.* John S. Palmore, Chief Justice, Court of Appeals of Kentucky, et al. Motion to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 61. International Association of Machinists, AFL-CIO, et al., petitioners, *v.* Central Airlines, Inc.;

No. 720. Melvin Davis Rees, Jr., petitioner, *v.* Virginia;

No. 854. George Fuqua, appellant, *v.* Mississippi;

No. 858. Yacimientos Petroliferos Fiscales, petitioner, *v.* Paragon Oil Co., Inc., et al.;

No. 859. Kalman Greenhill and Frank Proctor, Jr., petitioners, *v.* United States; and

No. 1100, **Misc.** Kalman Greenhill and Frank Proctor, Jr., petitioners, *v.* Richard T. Rives et al., Circuit Judges of the United States Court of Appeals for the Fifth Circuit;

No. 853, **Misc.** Walter Thomson, petitioner, *v.* Hon. Bert H. Tunks, District Judge, et al.; and

No. 983, Misc. Charles C. Patterson, appellant, *v.* City of Newport News. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, June 3, 1963.

Adjourned until Monday, June 3, 1963, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

Richard Clegg Hubbell, of Beverly Hills, Calif., James A. Lenfestey, of Tampa, Fla., Tom E. Lewis, of Pensacola, Fla., Sumter L. Lowry, Jr., of Tampa, Fla., Matthew J. Ryan, Jr., of Springfield, Mass., Jacob Green, of Newark, N.J., Kenneth Kaplan, of New York, N.Y., Stewart R. Jaffy, of Columbus, Ohio, Benicio Sanchez-Rivera, of San Juan, P.R., Nicholas Alfred Maffeo, of Renton, Wash., John R. Strickland, of Tacoma, Wash., James Carroll Henderson, of Miami, Fla., and Alvin E. Wilson, of Devon, Pa., on motion of Mr. Solicitor General Archibald Cox; Edward T. Dussault, of Missoula, Mont., and Thomas F. Murray, of Missoula, Mont., on motion of Mr. Lee Metcalf; David P. Buckson, of Dover, Del., and N. Maxson Terry, of Dover, Del., on motion of Mr. James Caleb Boggs; Richard C. Reed, of Seattle, Wash., on motion of Mr. Henry M. Jackson; Jack Edgar Allan White, of Corpus Christi, Tex., on motion of Mr. Horace Robinson Kornegay; Fred W. Vondy, of Denver, Colo., on motion of Mr. Byron G. Rogers; Harmon Groesbeck Scoville, of Westminster, Calif., on motion of Mr. John J. McFall; Milton Edward Wilson, of Berea, Ohio, on motion of Mr. William E. Minshall; H. Edgar Timmerman, of West Shokan, N.Y., and Catherine H. Carlson, of Shokan, N.Y., on motion of Mr. J. Ernest Wharton; John E. Vanlandingham, of Phoenix, Ariz., on motion of Mr. Morris K. Udall; William D. Holoman, of Raleigh, N.C., on motion of Mr. Horace Robinson Kornegay; George Edward Seay, of Dallas, Tex., on motion of Mr. Joe Richard Pool; Jean Allen Turnage, of Polson, Mont., on motion of Mr. Arnold H. Olsen; Warren Coleman Casey, of Goldsboro, N.C., on motion of Mr. Nathan J. Roberts; Dallas R. Lamont, of New York, N.Y., on motion of Mr. Richard K. Stevens; Ransom A. Ellis, Jr., of Springfield, Mo., on motion of Mr. Kirby W. Patterson; Michael T. Frimer, of Philadelphia, Pa., and Gerard J. Weiser, of Philadelphia, Pa., on motion of Mr. Peter H. Schiff; James A. Greenblatt, of St. Louis, Mo., on motion of Mr. Sidney M. Glazer; Ted Martin Akin, of Dallas, Tex., on motion of Mr. William Ramsey Clark; Joseph S. Reynolds, of East Orange, N.J., Martin J. Jennings, of Fanwood, N.J., Myron Broder, of Fort Lee, N.J., Joseph C. Paine, of Irvington, N.J., William V. Ebs, of Montvale, N.J., Herman Kaner, of Newark, N.J.,

I. Irving Rand, of Newark, N.J., Charles Travaglio, of Newton, N.J., Ervin E. Field, of Nutley, N.J., John J. Gillies, of Nutley, N.J., Joseph L. Magrino, Jr., of Orange, N.J., Chester Apy, of Red Bank, N.J., Ralph J. Pocaro, of Summit, N.J., Gerald Myron Eisenstat, of Vineland, N.J., Joseph Stanziale, of West New York, N.J., and Vigdor D. Bernstein, of Winfield, N.J., on motion of Mr. Aristo Dallavalle; Thomas J. Dolan, of Monroe, Conn., on motion of Mr. J. Bruce Kellison; Carl Emile Buchmann, of Chicago, Ill., James B. Looker, of Cincinnati, Ohio, and James Preston King, of Putnam, N.Y., on motion of Mr. William H. Bennison; Anthony F. LoGatto, of New York, N.Y., on motion of Mr. Edward D. Re; Herman A. Adler, of Toms River, N.J., Milton Harold Gelzer, of Toms River, N.J., William T. Hering, of Toms River, N.J., William J. Kearney, of Toms River, N.J., J. Elmer Matthews, of Lakewood, N.J., and Julius Robinson, of Beach Haven, N.J., on motion of Mr. William E. O'Connor, Jr.; James S. Cremins, of Richmond, Va., Jerrell Ringwald Davis, of Richmond, Va., Clement S. Kester, of Richmond, Va., Richard Harrison Lipscomb, of Richmond, Va., Robert Edgar Northup, of Richmond, Va., and Wilkes Coleman Robinson, of Richmond, Va., on motion of Mr. Erle J. Zoll, Jr.; Reynolds S. Cheney, of Jackson, Miss., Joshua Green, of Jackson, Miss., and Sherwood Willing Wise, of Jackson, Miss., on motion of Mr. Richard M. Merriam; Judah Best, of Arlington, Va., on motion of Mr. George Kaufmann; Daniel Finkelstein, of Bronx, N.Y., Abraham E. Glick, of Bronx, N.Y., John Richard O'Hanlon, of Bronx, N.Y., Philip E. Parker, of Bronx, N.Y., Stanford M. Altschul, of New York, N.Y., Joseph A. Angione, of New York, N.Y., Irving Berman, of New York, N.Y., Irving Bierman, of New York, N.Y., Myron Bush, of New York, N.Y., Philip Cohen, of New York, N.Y., Irving Friedlander, of New York, N.Y., Lewis Friedman, of New York, N.Y., Arthur C. Goldberg, of New York, N.Y., Sol D. Greenstein, of New York, N.Y., Joseph G. Higgins, of New York, N.Y., Meyer Jezer, of New York, N.Y., Thomas J. Kehoe, of New York, N.Y., Morris Krauthamer, of New York, N.Y., Anthony M. Lanzone, of New York, N.Y., Norman Lazarus, of New York, N.Y., Marvin L. Levitt, of New York, N.Y., Magnus Lipton, of New York, N.Y., Sidney M. Lyman, of New York, N.Y., Michael F. McEneney, of New York, N.Y., Myron J. Meadow, of New York, N.Y., Algernon M. Miller, of New York, N.Y., Alexander Mozeson, of New York, N.Y., Stanley S. Ostrau, of New York, N.Y., Abraham Perlof, of New York, N.Y., Carl Radin, of New York, N.Y., Leo H. Raines, of New York, N.Y., Lester Raskin, of New York, N.Y., Frank Ronga, of New York, N.Y., David Ross, of New York, N.Y., Lester M. Shulklapper, of New York, N.Y., Thomas F. Smyth, of New York, N.Y., Gerald Spatz, of New York, N.Y., Stella Sternberg, of New York, N.Y., Irving

Stillerman, of New York, N.Y., Lottie L. Stillerman, of New York, N.Y., Richard B. M. Wolfe, of New York, N.Y., and Gilbert Wolbach, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; William Roy Sansing, of Higgins, Tex., on motion of Mr. John F. Doyle; Sampson Harlan Miller, of Beverly Hills, Calif., and Jose K. P. de Varon, of Boston, Mass., on motion of Mr. David W. Richmond; Clarence Eugene Hamilton, Jr., of Macon, Ga., on motion of Mrs. Ruby Kettles Peterson; Americus Mitchell, of Arlington, Va., on motion of Mr. Frank L. Abbott; Ove Bernhard Dendtler, of Chicago, Ill., on motion of Mr. John S. Nolan; Lucille Martin Heeter, of Indianapolis, Ind., on motion of Mr. Thomas A. Ziebarth; C. J. Lewis, of Colorado Springs, Colo., and Jack E. McGahey, of Durant, Okla., on motion of Mr. Roy Dale Adecock; Max L. Rowe, of Dallas City, Ill., on motion of Mr. Frank S. Ketcham; Mortimer Fried, of Miami, Fla., on motion of Mr. Samuel Green; Herbert David Schaefer, of St. Louis, Mo., on motion of Mr. Bernard Rowitz; Joyle C. Dahl, of Portland, Oreg., on motion of Mr. Dale E. Anderson; Willis Carey Darby, Jr., of Mobile, Ala., on motion of Mr. Herbert Edelhertz; Joseph J. Connerton, of Kingston, N.Y., on motion of Mr. Ralph L. Thomas; Thomas Francis Mc Nerney, of Washington, D.C., on motion of Mr. James McI. Henderson; John S. Shannon, of Roanoke, Va., on motion of Mr. John P. Fishwick; Coolidge Napoleon McCants, of New York, N.Y., on motion of Mr. Dorsey Evans; Walter C. Taylor, Jr., of Washington, D.C., on motion of Mr. Mason Mahin; M. Frank Hersman, of New York, N.Y., on motion of Mr. Frederic J. Ball; Fenton J. Mee, of Logansport, Ind., on motion of Mr. Rimmel Hamilton Dudley; Jack Heller, of Philadelphia, Pa., on motion of Mr. Steven E. Halpern; Hyman Clurfeld, of Baldwin Harbor, N.Y., Jacob I. Polstein, of Bayside, N.Y., Seymour Barash, of Brooklyn, N.Y., Arthur Goodstein, of Brooklyn, N.Y., William Rigler, of Brooklyn, N.Y., Max Feinberg, of Brooklyn, N.Y., Bernard M. Bloom, of Brooklyn, N.Y., John R. Marvin, of Brooklyn, N.Y., Alvin J. Bronstein, of Brooklyn, N.Y., Stanley Hendricks, of Brooklyn, N.Y., Howard Chester Glazer, of Brooklyn, N.Y., Morris Markowitz, of Brooklyn, N.Y., Alvin Jack Chorney, of Brooklyn, N.Y., Milton L. Fleiss, of Brooklyn, N.Y., David Epstein, of Brooklyn, N.Y., Morton Jerome Levine, of Brooklyn, N.Y., Melvin Cohn, of Brooklyn, N.Y., Herbert J. Kimmel, of Brooklyn, N.Y., Stanley Gartenstein, of Brooklyn, N.Y., Martin S. Taft, of Brooklyn, N.Y., M. Bernard Brownstein, of Brooklyn, N.Y., Harry R. Schwartz, of Brooklyn, N.Y., Harry Sand, of Brooklyn, N.Y., George S. Meissner, of Brooklyn, N.Y., Harry Krakower, of Brooklyn, N.Y., Nathan Black, of Brooklyn, N.Y., Russell K. Lemken, of Brooklyn, N.Y., Michael Levine, of Brooklyn, N.Y., Elihu Rosen, of Brooklyn, N.Y., Allen S. Rubenstein, of Brooklyn, N.Y., Mortimer Traktman, of Brooklyn,

N.Y., Samuel Z. Cohen, of Brooklyn, N.Y., William J. Callahan, of Brooklyn, N.Y., Eugene J. Epstein, of Brooklyn, N.Y., Harold W. Tamarin, of Brooklyn, N.Y., Abraham I. Madison, of Brooklyn, N.Y., Morris Sokolinsky, of Brooklyn, N.Y., John P. Pasquariello, of Brooklyn, N.Y., Jacob Weisberg, of Brooklyn, N.Y., Louis Silberstang, of Brooklyn, N.Y., Joseph F. Giacalone, of Brooklyn, N.Y., Benjamin Burke Kasloff, of Brooklyn, N.Y., Jack B. Abramson, of Brooklyn, N.Y., Leon Brickman, of Brooklyn, N.Y., Herman E. Brookman, of Brooklyn, N.Y., Moses M. Zelig, of Brooklyn, N.Y., Eugene Gold, of Brooklyn, N.Y., Mark A. Landsman, of Brooklyn, N.Y., William W. Kleinman, of Brooklyn, N.Y., Bernard S. Greenbaum, of Brooklyn, N.Y., Phoebe L. Kessler, of Brooklyn, N.Y., H. Broadman Epstein, of Brooklyn, N.Y., Jack Baum, of Brooklyn, N.Y., Julius Blaushield, of Brooklyn, N.Y., Sidney J. Goldner, of Brooklyn, N.Y., Alfred Dresner, of Brooklyn, N.Y., Lester P. Schwartz, of Brooklyn, N.Y., Albert A. Altman, of Brooklyn, N.Y., Sarah Kregman Fisher, of Brooklyn, N.Y., Samuel Korot, of Brooklyn, N.Y., Samuel Weinberg, of Brooklyn, N.Y., Morgan E. Lane, of Brooklyn, N.Y., Sidney A. Lichtman, of Brooklyn, N.Y., George Warner Clark, of Garden City, N.Y., William J. Cosgrove, of Glen Cove, N.Y., Melvin Knyper, of Great Neck, N.Y., Edward M. Cohen, of Lynbrook, N.Y., Joseph C. Spano, of Middletown, N.Y., Lothair H. Szerlip, of Monroe, N.Y., Jon H. Hammer, of New York, N.Y., Edward Malz, of New York, N.Y., Vincent Pizzuto, of New York, N.Y., Alfred F. Ritter, of New York, N.Y., Samuel B. Seitel, of New York, N.Y., and Leonard N. Tarr, of New York, N.Y., on motion of Mr. Roy M. D. Richardson; and Mandel L. Aronfeld, of Chicago, Ill., Solomon Axelrod, of Chicago, Ill., Samuel S. Berger, of Chicago, Ill., Joseph W. Bernstein, of Chicago, Ill., Alvin W. Block, of Chicago, Ill., Benjamin Bromberg, of Chicago, Ill., Irving Bronstein, of Chicago, Ill., Donald J. Brooks, of Chicago, Ill., Dan Brusslan, of Chicago, Ill., Eugene K. Buchalter, of Chicago, Ill., Bernard Leon Chase, of Chicago, Ill., Melvin J. Cole, of Chicago, Ill., Edward L. Cooper, of Chicago, Ill., Earl Alan Deutsch, of Chicago, Ill., Irving M. Drobny, of Chicago, Ill., Mitchell Edelson, Jr., of Chicago, Ill., Reuben J. Feldman, of Chicago, Ill., Bernard M. Fisher, of Chicago, Ill., Jack Fisher, of Chicago, Ill., Edward K. Fliegel, of Chicago, Ill., Lawrence Friedman, of Chicago, Ill., Samuel Fumel, of Chicago, Ill., Walter D. Gainer, of Chicago, Ill., Ira Stuart Gilbert, of Chicago, Ill., Marvin E. Ginsburg, of Chicago, Ill., Gerald A. Gitles, of Chicago, Ill., Gabriel Goldberg, of Chicago, Ill., Mitchell S. Goldgehn, of Chicago, Ill., George Norman Gordon, of Chicago, Ill., Milton Oscar Gordon, of Chicago, Ill., Sidney Gordon, of Chicago, Ill., Seymour Greenman, of Chicago, Ill., Maurice H. Herman, of Chicago, Ill., Reginald J. Holzer, of Chicago, Ill., Joseph H. Horwich, of Chicago, Ill., Aaron

M. Jacobs, of Chicago, Ill., B. Saul Jacobs, of Chicago, Ill., Benjamin J. Kanter, of Chicago, Ill., Harold Z. Kaplan, of Chicago, Ill., Morris Abraham Kaplan, of Chicago, Ill., Eugene Kart, of Chicago, Ill., Ben H. Kessler, of Chicago, Ill., Harvey X. Koloms, of Chicago, Ill., Jerome Joseph Kornfeld, of Chicago, Ill., Gerald L. Kramer, of Chicago, Ill., Warren Krinsky, of Chicago, Ill., Julius Marshall Lehrer, of Chicago, Ill., Louis M. Leider, of Chicago, Ill., Jack Levin, of Chicago, Ill., Everett Lewy, of Chicago, Ill., Merwin J. Lichtenstein, of Chicago, Ill., Howard I. Lidov, of Chicago, Ill., Donald Lipman, of Chicago, Ill., Floyd B. Manilow, of Chicago, Ill., Alan Masters, of Chicago, Ill., Larry S. Mayster, of Chicago, Ill., Sidney Mintz, of Chicago, Ill., Myron Minuskin, of Chicago, Ill., Henry Mitgang, of Chicago, Ill., Floyd Norman Nadler, of Chicago, Ill., Gilbert Nathan, of Chicago, Ill., Richard Earl Nathan, of Chicago, Ill., Myron E. Nelson, of Chicago, Ill., Howard Leo Nye, of Chicago, Ill., Joseph Peck, of Chicago, Ill., Marshall Perel, of Chicago, Ill., Seymour Samuel Price, of Chicago, Ill., Renée Zarbin Pritikin, of Chicago, Ill., Leon Charles Rane, of Chicago, Ill., Edward E. Reicin, of Chicago, Ill., Edward S. Richman, of Chicago, Ill., Harold Richter, of Chicago, Ill., Jack W. Rosen, of Chicago, Ill., S. Aaron Rosen, of Chicago, Ill., Morton C. Rosengarden, of Chicago, Ill., Philip Rosentrock, of Chicago, Ill., Norbert Nathan Rosenthal, of Chicago, Ill., Arnold Harry Rubin, of Chicago, Ill., Gerald M. Rubin, of Chicago, Ill., Jerome J. Ruther, of Chicago, Ill., Gerald B. Saltzberg, of Chicago, Ill., Norman Sands, of Chicago, Ill., Hyman Schechet, of Chicago, Ill., Joseph Schneider, of Chicago, Ill., Lester Shapiro, of Chicago, Ill., Ralph E. Sheffey, of Chicago, Ill., Arthur Y. Schulson, of Chicago, Ill., Arthur H. Schwab, of Chicago, Ill., Terrell C. Schwarz, of Chicago, Ill., Samuel Simon, of Chicago, Ill., Morris D. Spiegel, of Chicago, Ill., Leon P. Star, of Chicago, Ill., Yale Stein, of Chicago, Ill., Raymond I. Suekoff, of Chicago, Ill., Morris S. Telechansky, of Chicago, Ill., Arthur H. Torme, of Chicago, Ill., Harold Tucker, of Chicago, Ill., Steven Van Dorf, of Chicago, Ill., John H. Watson, Jr., of Chicago, Ill., Albert Weinberg, of Chicago, Ill., Theodore C. Weinberg, of Chicago, Ill., Louis A. Wexler, of Chicago, Ill., Dean S. Wolfson, of Chicago, Ill., Seymour Zaban, of Chicago, Ill., Ethel Schiller Zelden, of Chicago, Ill., Louis L. Winokur, of Evanston, Ill., Nathan Slutzky, of Glencoe, Ill., Isadore Goffen, of Highland Park, Ill., Emanuel Slutzky, of Highland Park, Ill., L. Sanford Blustin, of Lincolnwood, Ill., Albert H. Geller, of Park Forest, Ill., Silas Wallk, of Peoria, Ill., Sherwin Willens, of Skokie, Ill., Arnold Harvey Schwartz, of Skokie, Ill., Marvin Paul Shore, of Skokie, Ill., Eugene Lieberman, of Wilmette, Ill., Charles A. Lepp, of Kenosha, Wis., and Max Schoenberg, of Beverly Hills,

Calif., on motion of Mr. Solicitor General Archibald Cox, were admitted to practice.

OPINIONS

No. 404. National Labor Relations Board, petitioner, *v.* General Motors Corporation. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 368. Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, *v.* Alberta Schermerhorn et al. On writ of certiorari to the Supreme Court of Florida. Decision of the Supreme Court of Florida approved insofar as it holds that the contract involved was within the scope of Section 14(b) of the National Labor Relations Act but case retained on calendar and set for reargument on unresolved issue of whether the Florida courts in this case have jurisdiction to afford a remedy for violation of the State law. The Solicitor General is invited to file a brief expressing the views of the United States. Opinion by Mr. Justice White. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 630. Wilbert Rideau, petitioner, *v.* Louisiana. On writ of certiorari to the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan joins.

No. 541. Local 100 of the United Association of Journeymen and Apprentices, petitioner, *v.* H. N. Borden. On writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District. Judgment reversed and case remanded to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Clark joins. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 482. Local No. 207, International Association of Bridge, Structural and Ornamental Iron Workers Union, et al., petitioners, *v.* Jacob Perko. On writ of certiorari to the Supreme Court of Ohio. Judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Douglas and Mr. Justice Clark dissent for the reasons stated in their dissent in No. 541, *Local*

100, *United Assn. of Journeymen v. Borden*, decided this day. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 529. United States, petitioner, *v. Carlo Bianchi and Company, Inc.* On writ of certiorari to the United States Court of Claims. Judgment vacated and case remanded to the United States Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Stewart joins.

No. 217. Josephine Goss et al., petitioners, *v. The Board of Education of the City of Knoxville, Tennessee, et al.* On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgments in cases Nos. 14425 and 14607 are reversed and case remanded to the United States Court of Appeals for the Sixth Circuit with instructions to remand the cases to the United States District Court for the Eastern District of Tennessee and the United States District Court for the Middle District of Tennessee, respectively. Opinion by Mr. Justice Clark.

No. 493. Donald Wheeldin and Admiral Dawson, petitioners, *v. William Wheeler.* On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion of petitioner *Wheeldin* for leave to withdraw his request for review is granted. Judgment affirmed. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Black join.

No. 480. Louis McNeese, Jr., a Minor, by Mabel McNeese, his Mother and Next Friend, et al., petitioners, *v. Board of Education for Community Unit School District 187, Cahokia, Illinois, et al.* On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan.

No. 8, **Original.** State of Arizona, complainant, *v. State of California et al.* Report of Special Master adopted with exceptions noted. Opinion by Mr. Justice Black. Opinion by Mr. Justice Harlan with whom Mr. Justice Douglas and Mr. Justice Stewart join, dissenting in part. Dissenting opinion by Mr. Justice Douglas. Mr. Chief Justice Warren took no part in the consideration or decision of this case.

Mr. Justice Black said:

"The other orders of the Court have been certified by the Acting Chief Justice and filed with the Clerk and will not be announced orally".

OPINION PER CURIAM

No. 985. Paul Jones, Chairman of Navajo Tribal Council of the Navajo Indian Tribe, etc., appellant, *v.* Dewey Healing, Chairman of the Hopi Council of the Hopi Indian Tribe, etc., et al.; and

No. 1050. Dewey Healing, Chairman of the Hopi Tribal Council of the Hopi Indian Tribe, etc., et al., appellants, *v.* Paul Jones, Chairman of the Navaho Tribal Council of the Navaho Indian Tribe, etc., et al. Appeals from the United States District Court for the District of Arizona. The motion to substitute Raymond Nakai in the place of Paul Jones as the party appellant in No. 985 and as a party appellee in No. 1050 is granted. The motion to substitute Abbott Sekaquap-tewa in the place of Dewey Healing as a party appellee in No. 985 and as a party appellant in No. 1050 is granted. The motion to affirm in No. 985 is granted and the judgment which is common to both cases is affirmed. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted and would decide the cases only after argument.

ORDERS IN PENDING CASES

No. —. Harvey Oliver Drumm, petitioner, *v.* California;

No. —. Francis George Mooney, petitioner, *v.* New York;

No. —. Edison R. Womack, petitioner, *v.* Oregon;

No. —. In the Matter of Garland Jacobs; petitioner;

No. —. In the Matter of Manuel Diaz, petitioner; and

No. —. In the Matter of William Turner, petitioner. The motions for the appointment of counsel are denied.

No. 13, **Original**. State of Texas, plaintiff, *v.* State of New Jersey et al. The report of the Special Master is received and ordered filed. The motion of the State of Florida for leave to intervene is granted.

CERTIORARI GRANTED

No. 1031. William Malloy, petitioner, *v.* Patrick J. Hogan, Sheriff of Hartford County. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut granted.

CERTIORARI DENIED

No. 946. Roland Ryan et al., petitioners, *v.* Dominic Abata, Individually, and as President of Democratic Union Organizing Committee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1006. Roofire Alarm Company, petitioner, *v.* Royal Indemnity Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1013. Dan W. Shaffer, petitioner, *v.* Joseph E. Seagram & Sons, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1015. Sinclair Refining Company, petitioner, *v.* Villain & Fassio E. Compagnia, Internazionale Di Genova Societa, Riunite Di Navigazione, S. p. A. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1018. Manuel Sanchez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1019. Peter S. Sarelas, petitioner, *v.* Stephanos G. Rocanas. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1021. Mary Lee Lake et al., petitioners, *v.* Burl A. Sawyers. Petition for writ of certiorari to the Circuit Court of Hardy County of West Virginia denied.

No. 1022. Eastern States Petroleum Corporation of Panama, S. A., petitioner *v.* Orion Shipping & Trading Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1023. City National Bank and Trust Company of Columbus, etc., petitioner *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1025. Dixie Machine Welding & Metal Works, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1027. Otis Elevator Company, petitioner, *v.* Local 453, International Union of Electrical, Radio & Machine Workers, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1028. Bronne A. Bruzgo, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1029. Major Oil Development Company et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1030. Great Eastern Color Lithographic Corp., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1034. Preston P. Coleman, Circuit Clerk and Registrar of Lauderdale County, Mississippi, et al., petitioners, *v.* Robert F. Kennedy, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1035. Thor-Westcliffe Development, Inc., petitioner, *v.* Stewart L. Udall, Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1037. Lee Fingers, etc., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1038. May Spach, Trustee, petitioner, *v.* Herbert M. Fisher, Bankrupt, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1039. W. J. Dillner Transfer Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1042. Louisiana Power & Light Company, petitioner, *v.* Southern Bell Telephone & Telegraph Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1045. Millard Vance et al., petitioners, *v.* Midland Enterprises, Inc., et al. Petition for writ of certiorari to the Court of Appeals of Ohio, Hamilton County, denied.

No. 1026. Stanley Blumenthal et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan are of the opinion that certiorari should be granted.

No. 916, Misc. Natividad Baca, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 953, Misc. John Cornelius Fulford, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 978, Misc. Benedetto Romeo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1004, Misc. Benjamin F. Rayborn, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1005, Misc. George Hodge, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1031, Misc. Wallace Robison, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1064, Misc. Andrew P. Saldivar, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1080, Misc. Albert Sumpter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1168, Misc. Pete J. Thompson, petitioner, *v.* William Gray et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1194, Misc. Walter J. Hujar, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1199, Misc. Raymond Walter Bouldin, Jr., petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1240, Misc. Isaiah Rambert, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1253, Misc. Jerry Mason, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1257, Misc. Francis J. Higgins, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

REHEARINGS DENIED

No. 795. American Institute for Economic Research, Incorporated, petitioner, *v.* United States;

No. 911. Millpax et al., petitioners, *v.* United States; and

No. 809, Misc. George Edward Bentley, petitioner, *v.* United States. Petitions for rehearing denied.

No. 815. Harvey F. Euge, petitioner, *v.* Missouri. Motion for leave to file petition for rehearing denied.

No. 955. John J. Felice, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this petition.

RECESS ORDER

The Court will take a recess from today until Monday, June 10, 1963.

Adjourned until Monday, June 10, 1963, at 10 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

William C. Falkenhainer, of Los Angeles, Calif., William W. Bailey, of Miami, Fla., Charlotte Joy Barkan Roth, of Miami, Fla., Arthur Roth, of Miami, Fla., Samuel G. Jaffe, of Chicago, Ill., Alfred C. Partoll, of Chicago, Ill., Richard O. Skoog, of Ottawa, Kans., Philip Samuel Iuliano, of Watertown, Mass., Edward J. Lee, of Somerville, Mass., Charles W. Schiesser, of Fergus Falls, Minn., Robert D. Mullin, of Omaha, Neb., Eugene V. Buczkowski, of Buffalo, N.Y., Andrew G. Celli, of Rochester, N.Y., Roland William Donnem, of New York, N.Y., Ronald Lee Gainer, of Spring Valley, N.Y., Eugene P. Krent, of Parma, Ohio, Ronald M. Mottl, of Parma, Ohio, Lewis N. Truman, of Springfield, Ohio, Richard B. Kirkpatrick, of Cincinnati, Ohio, John Francis Buckley, of Worcester, Mass., Val S. Morehouse, of St. Paul, Minn., and A. Hugh Leatherwood, Sr., of Douglasville, Ga., on motion of Mr. Solicitor General Archibald Cox; James Francis Murray, Jr., of New York, N.Y., on motion of Mr. Harrison A. Williams, Jr.; Donald M. Fraser, of Minneapolis, Minn., on motion of Mr. Lee Loevinger; David Lloyd Bernstein, of New York, N.Y., on motion of Mr. John V. Lindsay; Irving Allan Kanarek, of Los Angeles, Calif., on motion of Mr. Robert Jordan Wager; Richard T. Hama, of Fullerton, Calif., on motion of Mr. John J. McFall; Frederick Newton Six, of Lawrence, Kans., on motion of Mr. Robert F. Ellsworth; Charles E. Small, of Fresno, Calif., on motion of Mr. Harlan Hagen; J. C. Zbranek, of Liberty, Tex., on motion of Mr. Jack Brooks; Edith L. Nebeker, of Yuma, Ariz., and Robert W. Nebeker, of Yuma, Ariz., on motion of Mr. Morris K. Udall; George Howard Becker, Jr., of Cincinnati, Ohio, on motion of Mr. Thomas P. Kerester; John Nelson Thurman, of Washington, D.C., on motion of Mr. Richard Warren Kurrus; James J. Duffy, Jr., of Mobile, Ala., on motion of Mr. Sydney R. Prince, Jr.; Donald Joseph Cronin, of Montgomery, Ala., on motion of Mr. Wiley S. Messick; Frank O'Donnell, of Wilmington, Del., on motion of Mr. Frederick Bernays Wiener; Marvin John Anderson, of San Diego, Calif., on motion of Mrs. Margaret Shea Coates; Joe D. Matheny, of Nashville, Tenn., on motion of Mr. William M. Cease, Jr.; Dennis McCarthy, of Bakersfield, Calif., on motion of Mr. Edward A. Mc-

Cabe; Lemuel Conner Hutchins, of Tyler, Tex., on motion of Mr. James R. Worsley, Jr.; Victor O. Schmidt, of San Gabriel, Calif., on motion of Mr. Arthur A. Steffan; Gordon H. Mayberry, of Denver, Colo., on motion of Mr. Samuel W. McIntosh; Richard Francis Schiffmann, of Boston, Mass., and John Thomas Lavey, of Somerville, Mass., on motion of Mr. John Harold Fanning; Paul F. Lardi, of New York, N.Y., and Marvin J. Rosenberg, of New York, N.Y., on motion of Mr. Stanley B. Cohen; Robert J. Steinmeyer, of Fullerton, Calif., on motion of Mr. Frank L. Neuhauser; Glendora J. McIlwain, of Methuen, Mass., on motion of Mr. Harold B. Putnam, Jr.; James J. Holmberg, of Columbus, Neb., on motion of Mr. Donald H. Zarley; Donald Loyd Holley, of New York, N.Y., and Claude C. Kelly, Jr., of New York, N.Y., on motion of Mr. Robert C. Barnard; Gloria Eostra Wilson, of Chicago, Ill., on motion of Mr. William S. Thompson; Hal Muir Smith, of Washington, D.C., on motion of Mr. George Kaufmann; Denis T. Rice, of San Francisco, Calif., on motion of Mr. Jerome Christian Muys; A. Allen Saunders, of New York, N.Y., on motion of Mr. Richard K. Lyon; Francis Breidenbach, of Bismarck, N. Dak., on motion of Mr. Robert Elick Kleve; Joel M. Savits, of Washington, D.C., on motion of Mr. Samuel Barker; and Basil Dziama, of Lorain, Ohio, and John Bolcis Otero, of Lorain, Ohio, on motion of Mr. George Thomas Mobbille, were admitted to practice.

OPINIONS

No. 405. United States, petitioner, *v.* Pioneer American Insurance Company et al. On writ of certiorari to the Supreme Court of Arkansas. Judgment reversed and case remanded to the Supreme Court of Arkansas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Mr. Justice Douglas dissents.

No. 604. Division 1287 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, et al., appellants, *v.* Missouri. Appeal from the Supreme Court of Missouri. Judgment reversed and case remanded to the Supreme Court of Missouri for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart announced by Mr. Justice White.

No. 476. Benjamin Braunstein et al., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgments affirmed. Opinion by Mr. Justice Harlan. Mr. Justice Douglas dissents.

No. 53. George D. Ker et al., petitioners, *v.* California. On writ of certiorari to the District Court of Appeal of California, Second Appellate District. Judgment affirmed. Mr. Justice Clark announced the judgment of the Court and delivered an opinion as to the standard by which state searches and seizures must be evaluated and applying such standard. Mr. Justice Black, Mr. Justice Stewart, and Mr. Justice White join in the opinion. Opinion by Mr. Justice Harlan concurring in the result. Separate opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Goldberg join, concurring as to the standard to be applied but dissenting as to the application of such standard to the facts in this case.

No. 463. Thomas I. Fitzgerald, Public Administrator of the County of New York, etc., petitioner, *v.* United States Lines Company. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan.

No. 414. Michael Shenker, petitioner, *v.* The Baltimore and Ohio Railroad Company. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Harlan and Mr. Justice Stewart join.

The Chief Justice said:

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 20. Raymond B. Randolph, Jr., et al., petitioners, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgments vacated, and case remanded to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson v. City of Greenville*, No. 71, October Term, 1962, decided May 20, 1963. Opinion *per curiam*. Mr. Justice Harlan concurs in the result on the premises stated in his separate opinion in *Peterson v. City of Greenville*, *supra*, and *Avent v. North Carolina*, No. 11, October Term, 1962, decided May 20, 1963.

No. 29. Lawrence George Henry et al., petitioners, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgments vacated, and case remanded to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson v. City of Greenville*, No. 71, October Term, 1962, decided May 20, 1963. Opinion *per curiam*. Mr. Justice Harlan concurs in the result on the premises stated in his separate opinion in *Peterson v. City of Greenville, supra*, and *Avent v. North Carolina*, No. 11, October Term, 1962, decided May 20, 1963.

No. 60. Mandaline E. Thompson, petitioner, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson v. City of Greenville*, No. 71, October Term, 1962, decided May 20, 1963. Opinion *per curiam*. Mr. Justice Harlan concurs in the result on the premises stated in his separate opinion in *Peterson v. City of Greenville, supra*, and *Avent v. North Carolina*, No. 11, October Term, 1962, decided May 20, 1963.

No. 79. Virgil A. Wood et al., petitioners, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson v. City of Greenville*, No. 71, October Term, 1962, decided May 20, 1963. Opinion *per curiam*. Mr. Justice Harlan concurs in the result on the premises stated in his separate opinion in *Peterson v. City of Greenville, supra*, and *Avent v. North Carolina*, No. 11, October Term, 1962, decided May 20, 1963.

No. 362. Michele Marchese, petitioner, *v.* United States et al. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the United States District Court for the Southern District of California for reconsideration in light of *Sanders v. United States*, 373 U.S. 1. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan would deny certiorari on the basis of their dissent in *Sanders v. United States*, 373 U.S.—.

No. 429. John J. Keller, petitioner, *v.* Wisconsin ex rel. State Bar of Wisconsin. On petition for writ of certiorari to the Supreme Court of Wisconsin. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of Wisconsin for reconsideration in light of *Sperry v. Florida ex rel. The Florida Bar*, No. 322, October Term, 1962, decided May 27, 1963. Opinion *per curiam*.

No. 688. M. A. Price et al., appellants, *v.* Harry R. Moss et al.; and

No. 689. Oklahoma Farm Bureau et al., appellants, *v.* Harry R. Moss et al. Appeals from the United States District Court for the Western District of Oklahoma. The motion to dismiss is granted and the appeals are dismissed as the order of the District Court is not appealable under 28 U.S.C. § 1253. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Goldberg concur in the result. Mr. Justice Harlan would postpone consideration of the question of jurisdiction until after argument on the merits.

No. 864. Don Baldwin et al., appellants, *v.* Harry R. Moss et al. Appeal from the United States District Court for the Western District of Oklahoma. The appeal is dismissed. Opinion *per curiam*. Mr. Justice Harlan would postpone consideration of the question of jurisdiction until after argument on the merits.

No. 880. Sloan's Moving & Storage Co., Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Missouri. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 992. Frank Laino, appellant, *v.* New York. Appeal from the Appellate Division of the Supreme Court of New York, Fourth Judicial Department. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted.

No. 1008. W. R. Arthur & Co., Inc., appellant, *v.* Wisconsin Department of Taxation. Appeal from the Supreme Court of Wisconsin. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1040. Lillian Lublin, Individually, etc., appellant, *v.* James T. Barnes & Co., et al. Appeal from the Supreme Court of Michigan. The motion to dispense with printing the jurisdictional statement is granted. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 251, Misc. Clint Huggins, petitioner, *v.* Robert R. Raines, Warden. On petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Criminal Appeals of Oklahoma for reconsideration in light of *Gideon v. Wainwright*, 372 U.S. 335 and *Carnley v. Cochran*, 369 U.S. 506. Opinion *per curiam*.

No. 264, **Misc.** Gregory C. Allen et al., petitioners, *v.* Virginia. On petition for writ of certiorari to the Circuit of Hopewell, Virginia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Circuit Court of Hopewell, Virginia, for reconsideration in light of *Griffin v. Illinois*, 351 U.S. 12. Opinion *per curiam*.

No. 647, **Misc.** Donald Allen Bentley, Jr., petitioner, *v.* Alaska. On petition for writ of certiorari to the Supreme of Alaska. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Alaska for reconsideration in light of *Douglas v. California*, 372 U.S. 353, *Lane v. Brown*, 372 U.S. 477, and *Draper et al. v. Washington et al.*, 372 U.S. 487. Opinion *per curiam*.

No. 648, **Misc.** Donald Allen Bentley, Jr., petitioner, *v.* Alaska. On petition for writ of certiorari to the Supreme Court of Alaska. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Alaska for reconsideration in light of *Brady v. Maryland*, No. 490, October Term, 1962, decided by May 13, 1963, and *Mooney v. Holohan*, 294, U.S. 103. Opinion *per curiam*.

No. 754, **Misc.** Stanley Howard Peterson, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for a hearing on the issue of whether petitioner was denied the assistance of counsel at the time he entered his plea of guilty. Opinion *per curiam*.

No. 1003, **Misc.** Kenneth W. Scott, appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Eastern District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1070, **Misc.** Robert H. Briggs, appellant, *v.* Louisiana State Bar Association, Committee on Bar Admissions. Appeal from the Supreme Court of Louisiana. The motion to dismiss is granted and the appeal is dismissed for want of a substantial Federal question. Opinion *per curiam*.

No. 1378, **Misc.** Joseph N. Bollettieri, appellant, *v.* New York. Appeal from the Supreme Court of New York, Oneida County. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted.

APPEALS—JURISDICTION NOTED

No. 460. WMCA, Inc., et al., appellants, *v.* Caroline K. Simon, Secretary of State of the State of New York, et al. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted.

No. 507. James P. Wesberry, Jr., et al., appellants, *v.* Carl E. Sanders, etc., et al. Appeal from the United States District Court for the Northern District of Georgia. In this case probable jurisdiction is noted.

No. 554. The Maryland Committee for Fair Representation et al., appellants, *v.* J. Millard Tawes, Governor, et al. Appeal from the Court of Appeals of Maryland. In this case probable jurisdiction is noted.

No. 797. Levin Nock Davis, Secretary, State Board of Elections, et al., appellants, *v.* Harrison Mann et al. Appeal from the United States District Court for the Eastern District of Virginia. In this case probable jurisdiction is noted.

No. 950. Yvette M. Wright et al., appellants, *v.* Nelson A. Rockefeller, Governor of New York, et al. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted.

No. 508. B. A. Reynolds, etc., et al., appellants, *v.* M. O. Sims et al.;

No. 540. David J. Vann and Robert S. Vance, appellants, *v.* Bettye Frink, Secretary of State of the State of Alabama, et al.; and

No. 610. John W. McConnell, Jr., et al., appellants, *v.* Bettye Frink, Secretary of State of Alabama, et al. Appeals from the United States District Court for the Middle District of Alabama. In these cases probable jurisdiction is noted and the cases are consolidated and a total of two hours allowed for oral argument.

No. 748. James Russell Robinson et al., appellants, *v.* Florida. Appeal from the Supreme Court of Florida. In this case probable jurisdiction is noted and case placed on the summary calendar.

No. 993. United States, appellant, *v.* Ward Baking Co., et al. Appeal from the United States District Court for the Middle District of Florida. In this case probable jurisdiction is noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 90. Charles F. Barr et al., petitioners, *v.* City of Columbia. Petition for writ of certiorari to the Supreme Court of South Carolina granted and case placed on the summary calendar.

No. 159. Simon Bouie and Talmadge J. Neal, petitioners, *v.* City of Columbia. Petition for writ of certiorari to the Supreme Court of South Carolina granted and case placed on the summary calendar.

No. 167. Robert Mack Bell et al., petitioners, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland granted and case placed on the summary calendar.

No. 921. National Labor Relations Board, petitioner, *v.* Fruit & Vegetable Packers & Warehousemen, Local 760, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and a total of one and one-half hours allowed for oral argument.

No. 1053. National Labor Relations Board, petitioner, *v.* Servette, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and a total of one and one-half hours allowed for oral argument. Case set for oral argument immediately following No. 921.

No. 583, Misc. Waldo Kent Ferguson and Robert Lowell Rogers, petitioners, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 775, Misc. Winston Massiah, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the appellate docket.

CERTIORARI DENIED

No. 686. Ralph R. Benson, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 908. Bernhard Rosee, petitioner, *v.* The Board of Trade of the City of Chicago, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 924. Wellington Equity Fund et al., petitioners, *v.* Ralph J. Taussig et ux., etc.; and

No. 1033. Ralph J. Taussig et ux., petitioners, *v.* Wellington Equity Fund, Inc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1032. George A. Lee, petitioner, *v.* Western Wool Processors, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1043. Johnny Walker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1047. The Procter & Gamble Manufacturing Company, petitioner, *v.* The Independent Soap Workers of Sacramento, Calif. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1048. Harry G. Silverstein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1049. George Seidman, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1051. Benjamin Ritholz, petitioner, *v.* Richard B. Ogilvie, Sheriff of Cook County, Illinois, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1052. Anthony Sirimarco, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1054. Charles LaCamera, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1055. Nathan Carl Schwartz, petitioner, *v.* Heyden Newport Chemical Corporation et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1056. Trumbull Asphalt Company of Delaware, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1057. Appleton Electric Company, petitioner, *v.* John M. Janecko. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1063. Wm. H. Simmons, petitioner, *v.* Washington, etc. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 909. Vernon L. Pepersack, Warden, Maryland Penitentiary, petitioner, *v.* Leonard Hall, Jr. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 978. Richard Sylvia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1014. Reverend George Burdikoff et al., petitioners, *v.* The Russian Orthodox Greek Catholic St. Peter and St. Paul's Church of Lorain, Ohio, et al. Petition for writ of certiorari to the Court of Appeals of Ohio, Lorain County, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1041. General Electric Company et al., petitioners, *v.* Public Service Company of New Mexico et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1046. Metro M. Holovachka, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 660, Misc. L. T. McKee, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 852, Misc. Robert R. Hyde, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 922, Misc. Robert Draper, petitioner, *v.* Washington et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 926, Misc. Mordko David Jurkiewicz, petitioner, *v.* Andrew Jordan, etc., District Director, Immigration and Naturalization Service, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 929, Misc. Robert W. Phillips, petitioner, *v.* William R. Nash. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 930, Misc. Ralph E. Doty, petitioner, *v.* Presiding Judge of District Court of Wright County, Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 939, Misc. Reginald C. Jackson, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 943, Misc. Isadore Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 945, Misc. Perry W. Moore, etc., petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 963, **Misc.** Michael Kane, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 996, **Misc.** Larry West Shipley, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1030, **Misc.** Robert E. Lipscomb, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1041, **Misc.** Bernice Stevens, petitioner, *v.* Continental Can Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1043, **Misc.** Arthur Leslie Price, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1069, **Misc.** Ben McBride, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 1076, **Misc.** William B. Donnell, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1092, **Misc.** Rudolph Powers, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1099, **Misc.** William Stevens, Jr., etc., petitioner, *v.* Northwestern National Casualty Co. of Milwaukee, Wisconsin. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1120, **Misc.** Floyd Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1121, **Misc.** Leonard Goforth, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1138, **Misc.** Louis Sammarco, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1139, **Misc.** Rose Florence May, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1144, **Misc.** Alcie Fletcher, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1151, **Misc.** Bernard Rohrlich, petitioner, *v.* New York. Petition for writ of certiorari to the court of Appeals of New York denied.

No. 1155, **Misc.** James Mallory, petitioner, *v.* Frederick G. Reincke, Acting Warden. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 1162, **Misc.** Robert De Meulenaere et al., petitioners, *v.* Rockwell Manufacturing Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1165, **Misc.** David McDonald, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1166, **Misc.** Willie Toler, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1171, **Misc.** Donald R. Nemire, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 1174, **Misc.** Kaiser Williams, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1191, **Misc.** Everett George Fritzberg, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1192, **Misc.** Victor Fonseca, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 1196, **Misc.** Antonio Diaz Gomez, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1201, **Misc.** Chester Wilson, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1203, **Misc.** John Crawley, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1204, **Misc.** Robert William Losieau, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1206, **Misc.** Charles Traylor, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1212, **Misc.** Richard Browne, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1215, **Misc.** David L. Elder, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1216, **Misc.** James David Green, petitioner, *v.* Dr. George Beto, Director, Department of Corrections, et al. Petition for writ

of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1218, Misc. Edward Tillman, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1219, Misc. Gene Gordon Davenport, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1221, Misc. Richard Thompson, petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1225, Misc. David Almeida, petitioner, *v.* Alfred T. Rundle, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1229, Misc. Andrew E. Pope, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1231, Misc. William Strickland, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1233, Misc. Thomas Edward McDaniel, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1234, Misc. Robert Clayton, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1238, Misc. Frank Howard Ottey, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1241, Misc. Richard E. Leigh, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1249, Misc. Richard E. Leigh, petitioner, *v.* John E. Hoover, Director, Federal Bureau of Investigation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1283, Misc. Richard E. Leigh, petitioner, *v.* Sam A. Anderson, Superintendent, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1243, Misc. Lee Howard Duke, petitioner, *v.* Superintendent, State Hospital No. 1. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1247, Misc. Charles L. Thornton, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1252, Misc. John W. Ricks, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1254, Misc. Joseph Gaito, petitioner, *v.* Arthur T. Prasse, Commissioner of Correction, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1255, Misc. William H. Jackson, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1259, Misc. Morris Ruckle, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1260, Misc. Barney Patrick Bennett, petitioner, *v.* Illinois. Petition for writ of certiorari to the Circuit Court of Will County of Illinois denied.

No. 1263, Misc. Jorge Colon Montes, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1284, Misc. Richard E. Leigh, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1291, Misc. Vincenzo Cirillo, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1304, Misc. Richard E. Leigh, petitioner, *v.* Edward W. Garrett, Chief Probation Officer. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1326, Misc. Robert Terry, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1340, Misc. Sherwood Edwards, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1352, Misc. Sammy Aire Tucker, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1354, **Misc.** Robert Hendrickson, petitioner, *v.* Pennsylvania State Board of Parole. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 1377, **Misc.** Ronald Lee Wolfe, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1211, **Misc.** Calvin Lowell Waldon, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 1170, **Misc.** Sebron Dandy, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution, Graterford, Pennsylvania. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 766, **Misc.** Glenn A. Leamer, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution;

No. 984, **Misc.** William L. Anderson, petitioner, *v.* William C. Holman, Warden;

No. 1007, **Misc.** Dewey D. Hamlin, petitioner, *v.* California;

No. 1175, **Misc.** Doyle Terry, petitioner, *v.* Fred R. Dickson, Warden; and

No. 1439, **Misc.** Carl W. Thomas, petitioner, *v.* David M. Heritage, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1028, **Misc.** Peter Barnackie, petitioner, *v.* Warden, Maryland Penitentiary, et al. Motion for leave to file a petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1442, **Misc.** In the Matter of James Wilson, petitioner; and
No. 1448, **Misc.** In the Matter of James Wilson, petitioner. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 871. Progress Development Corporation, petitioner, *v.* Deerfield Park District;

No. 878. Harold C. Foreman et ux., appellants, *v.* City of Bellefontaine;

No. 844, **Misc.** Joseph F. Bent, Jr., petitioner, *v.* United States; and

No. 857, **Misc.** Thomas O. Spampinato, petitioner, *v.* City of New York et al. Petitions for rehearing denied.

No. 809. Milton M. Karpel, appellant, *v.* California. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 960. Joyce Farnady Lucas, petitioner, *v.* State Farm Mutual Automobile Insurance Company et al. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this petition.

RECESS ORDER

The Court will take a recess from today until Monday, June 17, 1963, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 17, 1963, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

ORDER IN PENDING CASE

No. —. John R. Salter et al., petitioners, *v.* City of Jackson. The petition for stay and dissolution of an injunction issued by a state court submitted to Mr. Justice Black, and by him submitted to the full Court, and after due consideration is denied by the Court.

CERTIORARI DENIED

No. 1414, Misc. Clarence Edward Ashley, petitioner, *v.* California. The application for a stay having been presented to Mr. Justice Douglas was presented by him to the Court and denied by the Court. Petition for writ of certiorari to the Supreme Court of California denied.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice White, and Mr. Justice Goldberg.

ADMISSIONS TO THE BAR

J. Edward Day, of Los Angeles, Calif., William V. Kane, of Washington, D.C., Richmond M. Flowers, of Montgomery, Ala., Randolph G. Lurie, of Montgomery, Ala., Wolf Harry Stern, of Bellflower, Calif., Robert P. Rosin, of Sarasota, Fla., Donald R. Ford, of Warren, Ohio, Lynn B. Griffith, Jr., of Warren, Ohio, David Miller Griffith, of Warren, Ohio, David F. McLain, of Warren, Ohio, Kenneth G. Weinberg, of Cleveland, Ohio, Sylvia A. Bacon, of Watertown, S. Dak., Jon David Totz, of Houston, Tex., Daniel Tobias Franklin, of Washington, D.C., Albert J. Horrell, of Chicago, Ill., William J. Mulligan, of Milwaukee, Wis., and Bernard S. Goldfarb, of Cleveland, Ohio, on motion of Mr. Solicitor General Archibald Cox; Guy N. Henninger, of Lincoln, Nebr., on motion of Mr. Roman L. Hruska; Procter Hug, Jr., of Reno, Nev., on motion of Mr. Howard W. Cannon; Le Grand A. Rouse, II, of Spartanburg, S.C., on motion of Mr. Olin D. Johnston; John Edward Rooney, of Tulsa, Okla., on motion of Mr. Ed Edmondson; Ivan Argire Lebamoff, of Fort Wayne, Ind., on motion of Mr. E. Ross Adair; Leo W. Haley, of Orlando, Fla., and Curtis B. Goff, of Orlando, Fla., on motion of Mr. Claude D. Pepper; Myron N. Krotinger, of Cleveland, Ohio, and Morton L. Stone, of Cleveland, Ohio, on motion of Mr. Oscar H. Davis; John E. Bush, of Denver, Colo., on motion of Mr. Will Shafroth; Daniel E. Sell, of Bronxville, N.Y., on motion of Mr. John H. Pickering; William Warner McNeilly, Jr., of Nashville, Tenn., on motion of Mr. Wiley S. Messick; John Paul Jones, Jr., of Indianapolis, Ind., Maurice R. Petit, of Indianapolis, Ind., and Hugh A. Thornburg, of Indianapolis, Ind., on motion of Mr. F. Joseph Donohue; Charles K. Reasonover, of Washington, D.C., on motion of Mr. Dominick Manoli; William Anthony Burke, of Lynnfield, Mass., on motion of Mr. Daniel T. Coughlin; Peter Brockway Walker, of Westgate, Md., on motion of Mr. Wallace Haynes Walker; Charles Frederick Steele, of Washington, D.C., on motion of Mr. F. Gerald Toye; Donald Michael Dunn, of New York, N.Y., on motion of Mr. J. Kenneth Campbell; Maurice Levy, Jr., of Los Angeles, Calif., on motion of Mr. Carl Eardley; George W. Marti, of Saginaw, Mich., on motion

of Mr. Carl G. Moore; Bernard Fried, of Brooklyn, N.Y., on motion of Mr. Edward Lee Gilmore; Douglas L. McGuire, of New York, N.Y., on motion of Mr. Robert H. Law III; David Laurence McIntosh, of Florence, S.C., on motion of Mr. Frank K. Sloane; Edwin S. McKeown, of Piedmont, Calif., on motion of Mr. Cornelius B. Kennedy; Walter P. Lukens, of San Francisco, Calif., and Myrl R. Scott, of Los Angeles, Calif., on motion of Mr. George S. Prough; Joseph Ottokar Kostner, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Robert Cecil Brown, of Arcadia, Calif., on motion of Mr. Donal E. McCarthy; Sydney L. Chandler, of Coos Bay, Oreg., on motion of Mr. James Thaddeus Clark; Robert V. Schnabel, of Washington, D.C., on motion of Mr. N. Meyer Baker; John Burns Hausner, of Washington, D.C., on motion of Mr. John T. Casey; Andrew Given Tobias Moore II, of New Orleans, La., on motion of Mr. Ernest J. White; Dudley H. Chapman, of New York, N.Y., on motion of Mr. Thomas O. Lawson; William Morris Stull, of Sacramento, Calif., on motion of Mr. J. Irving Stineman; William E. Recktenwald, of Michigan City, Ind., on motion of Mr. Morris Fidelman; Milton Lorenzo McGhee, of Sacramento, Calif., on motion of Mr. Clement T. Cooper; John C. Leary, of Washington, D.C., on motion of Mr. Samuel J. L'Hommedieu, Jr.; William H. Horkan, of Falls Church, Va., and George Edward Rivers, of Arlington, Va., on motion of Mr. Robert John Skahan; Henry P. Sailer, of Washington, D.C., on motion of Mr. Hugh B. Cox; Thomas M. Haderlein, of Chicago, Ill., on motion of Mr. Walter A. Slowinski, Jr.; Chas. E. Connor, Jr., of Columbus, Ohio, on motion of Mr. George E. Reed; and Joseph Redwine Patterson, of Dallas, Tex., on motion of Mr. Benjamin Edward Pickering, were admitted to practice.

OPINIONS

No. 248. George K. Rosenberg, District Director, Immigration and Naturalization Service, petitioner, *v.* George Fleuti. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 39. Jose Maria Gastelum-Quinones, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States; and

No. 293. Jose Maria Gastelum-Quinones, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. On writs of certiorari to the United States Court of Appeals for the District of

Columbia Circuit. Judgments reversed and cases remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice White with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart join.

No. 392. Agnes K. Head, d/b/a Lea County Publishing Co., et al., appellants, *v.* New Mexico Board of Examiners in Optometry. Appeal from the Supreme Court of New Mexico. Judgment affirmed. Opinion by Mr. Justice Stewart announced by Mr. Justice White. Mr. Justice Douglas concurs in the result. Concurring opinion by Mr. Justice Brennan.

No. 83. United States, appellant, *v.* The Philadelphia National Bank et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. Judgment reversed and case remanded to the District Court with directions to enter judgment enjoining the proposed merger. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Memorandum opinion by Mr. Justice Goldberg. Mr. Justice White took no part in the consideration or decision of this case.

No. 401. United States for the Use of H. W. Moseley, d/b/a Moseley Plumbing and Heating Company, petitioner, *v.* Electronic & Missile Facilities, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals with instructions that it remand the case to the United States District Court for the Middle District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Chief Justice Warren and Mr. Justice Black. Mr. Justice Stewart would affirm the judgment substantially for the reasons stated in Chief Judge Tuttle's opinion for the Court of Appeals. 306 F. 2d 554.

No. 438. United States, appellant, *v.* The Singer Manufacturing Company. Appeal from the United States District Court for the Southern District of New York. Judgment reversed and case remanded to the District Court for the entry of an appropriate decree in accordance with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Harlan.

No. 142. School District of Abington Township, Pennsylvania, et al., appellants, *v.* Edward Lewis Schempp et al. Appeal from the United States District Court for the Eastern District of Pennsylvania; and

No. 119. William J. Murray III, etc., et al., petitioners, *v.* John N. Curlett, President, et al. Individually and Constituting the Board of School Commissioners of Baltimore City. On writ of certiorari to the Court of Appeals of Maryland. Judgment in No. 142 affirmed. Judgment in No. 119 reversed and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Goldberg with whom Mr. Justice Harlan joins. Dissenting opinion by Mr. Justice Stewart.

No. 526. Adell H. Sherbert, appellant, *v.* Charlie V. Verner et al., as Members of South Carolina Employment Security Commission and Spartan Mills. Appeal from the Supreme Court of South Carolina. Judgment reversed and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice White joins.

No. 35. Edward Yellin, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice White with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart join.

No. 464. United States, petitioner, *v.* Carlos Muniz and Henry Winston. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgments affirmed. Opinion by Mr. Chief Justice Warren. Mr. Justice White took no part in the consideration or decision of this case.

The Chief Justice said :

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 271. Maurice L. Davis, etc., petitioner, *v.* Romuald M. Soja, etc. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. On the suggestion of mootness, judgment vacated and case remanded to the United States District Court for the Northern District of Illinois with directions to dismiss the complaint as moot. Opinion *per curiam*.

No. 520. Harlow Chamberlin et al., appellants, *v.* Dade County Board of Public Instruction et al. Appeal from the Supreme Court of Florida. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Murray v. Curlett*, No. 119, **October Term, 1962**, and *School District of Abington Township v. Schempp*, No. 142, **October Term, 1962**, both decided today. Opinion *per curiam*.

No. 904. Cardinal Sporting Goods Company, Inc., et al., appellant, *v.* Thomas F. Eagleton, Attorney General of Missouri, et al. Appeal from the United States District Court for the Eastern District of Missouri. Judgment vacated and case remanded to the United States District Court for the Eastern District of Missouri with directions to dismiss the complaint as moot. Opinion *per curiam*.

No. 1016. Charles W. Jamieson, appellant, *v.* Anthony J. Celebrezze, Secretary of Health, Education, and Welfare. Appeal from the United States Court of Appeals for the Seventh Circuit. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 3, Misc. Thomas H. Davis, petitioner, *v.* William J. Banmiller, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Eastern District of Pennsylvania for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 5, Misc. Minnie Robinson, Alfred Henderson, et al., appellant, *v.* George Hunter, Trailways Bus Company, et al. Appeal from the United States District Court for the Eastern District of Virginia. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 10, Misc. Adolfo Guzman Regalado, petitioner, *v.* California et al. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded for further consideration in light of *Ker v. California*, No. 53, **October Term, 1962**, decided June 10, 1963, and *McDonald v. United States*, 335 U.S. 451. Opinion *per curiam*. Mr. Justice Harlan concurs in the result.

No. 48, Misc. Hayward Tempy Dearhart, Jr., petitioner, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and

case remanded to the Supreme Court of Appeals of Virginia for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 135, Misc. Charlie Harris, petitioner, *v. California et al.* On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 180, Misc. Thilbert Walker, petitioner, *v. Victor G. Walker, Warden, et al.* On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Eastern District of Louisiana for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 485, Misc. Betty Jean Daniels, et al., petitioners, *v. Virginia* On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Appeals of Virginia for further consideration in light of *Peterson v. City of Greenville*, No. 71, October Term, 1962, decided May 20, 1963. Opinion *per curiam*. Mr. Justice Harlan concurs in the result on the premises stated in his separate opinion in *Peterson v. City of Greenville, supra*, and *Avent v. North Carolina*, No. 11, October Term, 1962, decided May 20, 1963.

No. 649, Misc. Mack Cephus Jones, petitioner, *v. California*. On petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 694, Misc. Fred Scott, petitioner, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Motion for leave to proceed *in*

forma pauperis and petition for writ of certiorari granted. In light of the suggestion of the Solicitor General, judgment vacated and case remanded to the ~~United States District Court for the District of Columbia~~ for reconsideration of the request for a transcript of record. Opinion *per curiam*.

No. 712, Misc. Charles C. Laughner, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 716, Misc. Robert Louis Bone, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Eastern District of Missouri for further consideration in light of *Sanders v. United States*, 373 U.S. 1. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan would deny certiorari on the basis of their dissent in *Sanders v. United States*, 373 U.S. —.

No. 745, Misc. Hayward T. Dearhart, Jr., petitioner, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Appeals of Virginia for further consideration in light of *Douglas v. California*, 372 U.S. 353, and *Burns v. Ohio*, 360 U.S. 252. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan concur in the result.

No. 751, Misc. John Paul Herb, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections, Florida. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 780, Misc. Francis C. Holmes, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

Court of Appeals

No. 788, Misc. Harold L. Palmer, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 810, Misc. Allen Baxley, Jr., petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. On motion for leave to file petition for writ of habeas corpus. Motion for leave to proceed *in forma pauperis* granted. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari to the Supreme Court of Florida granted. Judgment vacated and case remanded to Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 871, Misc. Cecil D. Mays, petitioner, *v.* California. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 872, Misc. Donald R. Head, petitioner, *v.* California. On motion for leave to proceed *in forma pauperis* granted. Motion for leave to file petition for writ of certiorari denied. Treating the papers submitted as a petition for writ of certiorari, certiorari to the District Court of Appeal of California, Second Appellate District, granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinions in *Douglas v. California*, 372 U.S. 358, 360.

No. 884, Misc. Van R. Paige, petitioner, *v.* North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of North Carolina for further consideration in light *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 901, Misc. John Harold Bryant, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to

proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 934, Misc. William Tyler Bradley, appellant, *v. Iowa*. Appeal from the Supreme Court of Iowa. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 979, Misc. Thomas J. Auflick, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections. On motion for leave to file petition for writ of habeas corpus. Motion for leave to proceed *in forma pauperis* granted. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari to the Supreme Court of Florida granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 1113, Misc. Agustin Flores Chavez, appellant, *v. California*. Appeal from the District Court of Appeal of California, Second Appellate District. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1136, Misc. Samuel Kovner, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections, Florida. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

No. 1285, Misc. Robert B. Traub, petitioner, *v. Connecticut*. On petition for writ of certiorari to the Supreme Court of Errors of Connecticut. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Errors of Connecticut for further consideration in light of *Wong Sun v. United States*, 371 U.S. 471, and *Ker v. California*, No. 53, October Term, 1962, decided June 10, 1963. Opinion *per curiam*.

No. 1348, Misc. Ralph G. Acuff, appellant, *v. Texas*. Appeal from the Court of Criminal Appeals of Texas. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1372, Misc. Robert Karl Sidener, appellant, *v. California*. Appeal from the Supreme Court of California. The appeal is dis-

missed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. —. John Oppenheimer, petitioner, *v.* California. The motion the appointment of counsel is denied.

No. 8, **Original**. State of Arizona, complainant, *v.* State of California et al. The motion of the State of California for an extension of time to file a petition for rehearing is granted and the time is extended to September 16, 1963. It is ordered that the time for the submission of a proposed decree fixed by the opinion of this Court of June 3, 1963, be extended for a period of thirty days thereafter or following the action of the Court on any petition for rehearing submitted by the State of California. The Chief Justice took no part in the consideration of decision of this motion and order.

No. 26. William L. Griffin et al., petitioners, *v.* Maryland. The motion of petitioners to remove this case from the summary calendar is denied.

No. 65. Weyerhaeuser Steamship Company, petitioner, *v.* United States. The judgment of this Court is recalled and a new judgment shall issue assessing costs in this Court against the United States, with directions to the District Court to assess the costs below and interest as that court shall order in accordance with the statute.

No. 403. Banco Nacional de Cuba, petitioner, *v.* Peter L. F. Sabbatino, etc., et al. This case is placed on the summary calendar. The motion of Compania Azucarera Vertientes-Camaguey de Cuba for leave to file briefs in support of the motion to substitute and on the merits and for leave to participate in oral argument on the merits is granted, and counsel for that party are allowed thirty additional minutes for oral argument. Counsel for the ~~respondents~~ *Petitioner* are allowed a total of one hour for oral argument.

No. 606. The New York Times Company, petitioner, *v.* L. B. Sullivan; and

No. 609. Ralph D. Abernathy et al., petitioners, *v.* L. B. Sullivan. The motion of American Civil Liberties Union for leave to file a brief, as *amicus curiae*, is granted.

No. 1135. John Brenton Preston, petitioner, *v.* United States. The motion for the appointment of counsel is granted and it is ordered that Francis M. Shea, Esquire of Washington, District of Columbia, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 1170. Waldo Kent Ferguson and Robert Lowell Rogers, petitioners, *v.* United States. The motion for the appointment of counsel

is granted and it is ordered that A. Kenneth Pye, Esquire, of Washington, District of Columbia, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioners in this case.

No. 415, Misc. Wayne Marlin Peterson, petitioner, *v.* Allen Circuit Court, et al. The motion to reopen is denied.

APPEALS—JURISDICTION NOTED

No. 590. United States, appellant, *v.* First National Bank and Trust Company of Lexington et al. Appeal from the United States District Court for the Eastern District of Kentucky. In this case probable jurisdiction is noted.

No. 746. A. L. Mechling Barge Lines, Inc., et al., appellants, *v.* United States et al.; and

No. 747. Board of Trade of the City of Chicago, appellant, *v.* United States et al. Appeals from the United States District Court for the Northern District of Illinois. In these cases probable jurisdiction is noted. Cases consolidated and a total of two hours allowed for oral argument.

No. 1071. General Motors Corporation, appellant, *v.* Washington et al. Appeal from the Supreme Court of Washington. The motions of The National Association of Manufacturers of the United States of America; Magazine Publishers Association, Inc.; Electronic Industries Association; National Coal Association; and Automobile Manufacturing Association, Inc., for leave to file briefs, as *amicus curiae*, are granted. In this case probable jurisdiction is noted.

CERTIORARI GRANTED

No. 1084. Samuel Reisman et al., d/b/a Trammell, Rand & Nathan, petitioners, *v.* Hon. Mortimer M. Caplin et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 996. Local Union No. 721, United Packinghouse, Food and Allied Workers, AFL-CIO, petitioner, *v.* Needham Packing Company, d/b/a Sioux City Dressed Beef. Petition for writ of certiorari to the Supreme Court of Iowa granted and case placed on the summary calendar.

No. 1010. Compeco Corporation, petitioner, *v.* Day-Brite Lighting, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 1064. Hon. Casper Platt, Chief Judge, United States District Court, Eastern District of Illinois, petitioner, *v.* Minnesota Mining and Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 1020. Sears, Roebuck and Co., petitioner, *v.* The Stiffel Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar. It is set for argument immediately following No. 1010.

No. 746, Misc. Joseph Lyle Stoner, petitioner, *v.* California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, granted. Review is limited to the question of whether evidence was admitted which had been obtained by an unlawful search and seizure. Case transferred to the appellate docket and placed on the summary calendar.

No. 811, Misc. Floyd Charles Fallen, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 172. Ove Gustavsson Contracting Co., Inc., petitioner, *v.* Franklin G. Floete, as Administrator of General Services Administration, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 500. School Board of the City of Charlottesville, Virginia, et al., petitioners, *v.* Doris Dillard et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 697. The Baltimore and Ohio Railroad Company, petitioner *v.* Nadine Payne, Administratrix of the Estate of Ralph T. Payne. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 745. Pearl G. Martufi, petitioner, *v.* Robert C. Fraser. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 883. Statni Banka Ceskoslovenska, petitioner, *v.* Edwin B. Wolchok, as Receiver of Zivnostenska Banka. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 893. Kenneth Alonzo Tatum, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 895. William Fisher, petitioner, *v.* City of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 913. William J. Banmiller, Warden, Eastern State Penitentiary of Pennsylvania, petitioner, *v.* Anthony Scoleri. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 945. Jack and Celia Farber, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1017. Jan Emil Donato, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1044. Harold Wapnick, petitioner, *v.* United States; and

No. 1074. James LaFazia et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1058. Ernestine Greene, petitioner, *v.* Immigration and Naturalization Service, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1059. Peter S. Sarelas, petitioner, *v.* George W. Alexander et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 1061. Union Obreros Cerveceria Corona, petitioner, *v.* Francisco Medina Vega. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 1062. Seafarers International Union of North America, Atlantic, Gulf, Lakes and Inland Waters District, Puerto Rico Division, AFL-CIO, petitioner, *v.* Freddy Castro. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 1065. Halliburton Company et al., petitioners, *v.* Norton Drilling Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1066. Paul A. Gorin et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States of Appeals for the First Circuit denied.

No. 1067. Maier Brewing Company et al., petitioners, *v.* Fleischmann Distilling Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1068. Victor Main, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 1072. Julian Quintero, petitioner, *v.* Sinclair Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1073. W. R. Sikes, Sr., et al., petitioners, *v.* Thomas C. Rutland, Administrator, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1075. Tennessean Newspapers, Inc., petitioner, *v.* Robert G. Venn. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1076. Procter & Gamble Independent Union of Port Ivory, N.Y., petitioner, *v.* The Procter & Gamble Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1079. Burton C. Bovard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1080. Orion J. Litzinger, petitioner, *v.* The Publitzer Publishing Company. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1082. States Marine Lines, Inc., petitioner, *v.* Federal Maritime Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1083. Finley McAdoo Painter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1086. M. A. Holahan, Trustee, petitioner, *v.* Russell Jackson et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1087. Shaw-Barton, Inc., petitioner, *v.* John Baumgarth Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1088. John B. Bailey, petitioner, *v.* Sandell, Inc. Petition for writ of certiorari to the District Court of Appeal of California, Fifth Appellate District, denied.

No. 1097. Samuel James, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1114. Jerome Gross, petitioner, *v.* JFD Manufacturing Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1115. Donald L. Duncan, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 1121. Willow Farms Dairy, Inc., et al., petitioners, *v.* Orville L. Freeman, Secretary of Agriculture, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1069. Imparato Stevedoring Corporation, petitioner, *v.* United States Lines Company. The motion of The National Association of Stevedores for leave to file a brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 11, Misc. John Willoughby, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 12, Misc. Joey Anthony Aleria, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 594, Misc. Dan Coffman, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 646, Misc. Burton N. Pugach, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 698, Misc. Edward E. McHenry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 704, Misc. James S. Smith, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 715, Misc. John David Bryant, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 728, Misc. Raymond Lee Muench, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 757, Misc. John R. Vandever, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of Jefferson County, Illinois, denied.

No. 759, Misc. Lonnie Warden, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 785, Misc. George F. Martin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 786, Misc. Floyd Eugene Gauthier, petitioner, *v. California*. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 829, Misc. Elijah Jackson, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 830, Misc. Charles Schaffer and Raymond Chalmers, petitioners, *v. Delaware*. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 842, Misc. Alex A. Popeko, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 848, Misc. Henry Taul McDonald, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 883, Misc. Alfred Edward Sailer, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 885, Misc. H. J. Jones, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 908, Misc. John Cooper, petitioner, *v. Ohio*. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 910, Misc. George F. Martin, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 911, Misc. Jerry Grabina, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 923, Misc. Lee Daniels, Jr., petitioner, *v. New Jersey*. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 927, Misc. Odus Douglas, petitioner, *v. E. L. Maxwell, Warden*. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 936, Misc. Robert Gray, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 952, Misc. John Lawrence Welch, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 965, Misc. Joseph W. Parry-Hill, petitioner, *v. Honorable Joseph C. McGarraghy, Judge, United States District Court for the*

District of Columbia. Petition of writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 969, *Misc.* John Edward Crockard, petitioner, *v.* Hon. W. Wallace Kent. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 982, *Misc.* Freddie Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 992, *Misc.* William Roy Miller, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 998, *Misc.* Carlos Matos, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Term of the Supreme Court of New York, First Department, denied.

No. 1000, *Misc.* William Thomas Shields, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1026, *Misc.* James H. Antipas, petitioner, *v.* Paul F. Pegelow, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1066, *Misc.* John Robert Sawyer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1068, *Misc.* Walter Kuchta et al., petitioners, *v.* James B. Rice et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1072, *Misc.* Alexander J. Woykovsky, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1081, *Misc.* James M. X. Dykes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1083, *Misc.* Walter Mark Flanagan, petitioner, *v.* United States. Petitions for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1084, *Misc.* Doneral Patterson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1089, *Misc.* Jesus Arellano-Flores, petitioner, *v.* George K. Rosenberg, District Director of Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1093, **Misc.** Burton N. Pugach, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 1095, **Misc.** George Angelet, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1101, **Misc.** Robert W. Gordan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1104, **Misc.** Homer J. Dean, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1114, **Misc.** Ronald Hicks, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 1135, **Misc.** John Acosta Alvarado, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1137, **Misc.** Jacque H. Sorey, petitioner, *v.* United States. Petitions for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1141, **Misc.** Edward H. Doyle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1149, **Misc.** Thaddeus E. Tansimore, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1164, **Misc.** Harlan Ray Levey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1167, **Misc.** Sylvester Howard, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1176, **Misc.** Calvin, Tyson, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1177, **Misc.** Maurice N. Whittington, petitioner, *v.* Dale C. Cameron, Superintendent, Saint Elizabeths Hospital. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1179, **Misc.** Stephen Kalec, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1183, *Misc.* Fred Jenkins, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1195, *Misc.* James E. Berry, petitioner, *v.* Donald C. Clemmer, District Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1200, *Misc.* Harry Vogelstein, etc., petitioner, *v.* National Screen Service Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1202, *Misc.* Dallas O. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1205, *Misc.* Isaac Davenport, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1207, *Misc.* Gordon Leon Contee, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1210, *Misc.* Kentha Earl McDowell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1213, *Misc.* Vernon Sides, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1228, *Misc.* Daniel Lynch Vidal, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1232, *Misc.* Emmett J. Stebbins, petitioner, *v.* John W. Macy, Chairman, United States Civil Service Commission, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1244, *Misc.* Leon E. Cook, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1245, *Misc.* Richard L. Christensen, petitioner, *v.* Erwin C. Hagedorn, etc., et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1246, *Misc.* Woodrow W. Gainey, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1264, *Misc.* Fred Blume, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1267, Misc. James McCants, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1269, Misc. Robert M. Lee, Jr., petitioner, *v.* Frank J. Pate, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1272, Misc. Frank Edwards, petitioner, *v.* Walter M. Wallack, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1273, Misc. Norman Brabson, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1274, Misc. Clayborne Bynum, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1275, Misc. Homer Neal, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1276, Misc. Robert De Louize, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 1278, Misc. Edward James, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1280, Misc. Daniel Castano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1281, Misc. Maurice N. Whittington, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1282, Misc. Mary D. Irby, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1286, Misc. Carl E. Holtz, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1288, Misc. Frances Leonore Holt, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1289, Misc. Lawrence Scott, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1290, Misc. William Collier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1292, Misc. Herman Rucker, petitioner, *v.* David N. Myers, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1294, Misc. Robert W. Clay, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1295, Misc. Otto W. Sparks, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1298, Misc. Steve Casias, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1303, Misc. Vincent E. Ortega, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1305, Misc. Miles Raymond Baggett, petitioner, *v.* Martin J. Wiman, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1306, Misc. James Mitchell, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1307, Misc. Calvin Bell, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1309, Misc. Henry Hawthorne, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1310, Misc. Isadore Olshen, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1311, Misc. H. Clay Hughes, Jr., petitioner, *v.* John W. Turner, Warden, et al. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1312, Misc. Robert C. Kessinger, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 1313, Misc. Alvin J. Darnell, petitioner, *v.* Victor G. Walker, Warden. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1314, Misc. Earl Sexton, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1315, Misc. Albert Young, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1316, Misc. James Hartless, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1318, Misc. George K. Colbert, Sr., petitioner, *v.* Michigan. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1319, Misc. Philip P. Colon, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1325, Misc. Charles Clemons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1327, Misc. Everett R. Abbott, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1328, Misc. Henry Sliva, petitioner, *v.* A. T. Rundle, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1331, Misc. Fred Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1332, Misc. Vincent Astor Williams, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1334, Misc. Ernest Joseph Mills, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1336, Misc. Richard Eugene Sires, petitioner, *v.* W. R. Cole, Judge, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1338, Misc. Robert Luther Hooper, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1339, Misc. Manfredo Correa, etc., petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, New York County, denied.

No. 1341, Misc. Jack Rainsberger, petitioner, *v.* Ralph Lamb, Sheriff, Clark County, Nevada. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1343, **Misc.** Royce Alfred Perry, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1344, **Misc.** Ben Hitchcock, petitioner, *v.* Arizona. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1346, **Misc.** Jesse James Jackson, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1350, **Misc.** David Hampton Puckett, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1351, **Misc.** William G. Clark, petitioner, *v.* William F. Mattingly. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1353, **Misc.** Vairee McCartney, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1356, **Misc.** John Grimaldi, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1357, **Misc.** Henry E. Cipolla, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1359, **Misc.** John B. White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1360, **Misc.** Isaac Bud Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1361, **Misc.** William Steele, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1362, **Misc.** Sam Amato, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 1363, **Misc.** Ronald J. Sadness, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1366, **Misc.** Jimmie Schwartz, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1368, Misc. Fred Guadalupe Trujillo, petitioner, *v. Colorado*. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1369, Misc. Walter Hall, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1370, Misc. Ernest E. Crume, Jr., petitioner, *v. Dr. George Beto, Director, Texas Department of Corrections, et al.* Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1371, Misc. Robert Campbell, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1373, Misc. Bruce Wayne Harvey, petitioner, *v. B. J. Rhay, Superintendent, Washington State Penitentiary*. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1375, Misc. Theodis Woods, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1376, Misc. Martin X. Sostre, petitioner, *v. Walter H. Wilkins, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1379, Misc. Charles Edward Jackson, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1382, Misc. Ralph P. Forbes, petitioner, *v. City of Philadelphia*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1383, Misc. Robert Draper and Raymond Lorentzen, petitioners, *v. Washington et al.* Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1384, Misc. William Petersen, petitioner, *v. J. E. LaVallee, Warden*. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1385, Misc. John Ray, petitioner, *v. Robert A. Heinze, Warden*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1386, Misc. Theodore Miller, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1387, Misc. Emil J. Zilka, petitioner, *v. Sanctis Construction, Inc.* Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1388, Misc. B. J. McCabe, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1390, *Misc.* John Lee Ikerd, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1392, *Misc.* Ramon Alday, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1393, *Misc.* Walter Bozeyowski, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1394, *Misc.* Steven K. Lynch, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1396, *Misc.* Frederick B. Zimmer, petitioner, *v.* Harold V. Langlois, Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 1397, *Misc.* Harold Rohr, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1398, *Misc.* Charles Withers, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1399, *Misc.* Robert Pearson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1400, *Misc.* Calvin Williams, petitioner, *v.* Edward M. Fay et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1402, *Misc.* John V. Franklin, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1404, *Misc.* James G. McCloskey, petitioner, *v.* Director, Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1405, *Misc.* Herbert Parker, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1406, *Misc.* George H. Hornbeck, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1408, *Misc.* George Steven Yarbray, petitioner, *v.* Dr. George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1409, *Misc.* George A. Gordon, etc., petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 1410, Misc. Michael C. Griffin, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1411, Misc. Edward J. Kern, petitioner, *v.* William J. Bannmiller, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1412, Misc. Willy S. Crider, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1413, Misc. Roland J. Jackson, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1415, Misc. Robert Draper and Raymond Lorentzen, petitioners, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1416, Misc. Willis S. Cournow, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1418, Misc. Angel Diaz, petitioner, *v.* California. Petition for writ of Certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 1420, Misc. Frank Bisignano, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1421, Misc. Joseph A. Weiss, petitioner, *v.* Emerich Hunna. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1422, Misc. Vernal F. Seymour, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1423, Misc. James A. Raburn, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1424, Misc. Harvey Lee Eubanks, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1425, Misc. Kenneth Roberts, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1428, Misc. William Steve Adams, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1430, **Misc.** Arthur Eugene Allen, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1431, **Misc.** Chester L. Mohler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1434, **Misc.** Alfred Lewis, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1435, **Misc.** Robert Wood, petitioner, *v.* J. F. Maroney, Superintendent, Western State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1437, **Misc.** Commodore Reed, Jr., petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1438, **Misc.** Norman Brown, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1441, **Misc.** Alfonso Cepeda, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 1443, **Misc.** Floyd Smith, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1445, **Misc.** David Mann, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1446, **Misc.** Roy Lee Beeler, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 1450, **Misc.** Bland Williams, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1454, **Misc.** Walter David Greene, Jr., petitioner, *v.* George Kropp, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1456, **Misc.** William Leon Paul, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1460, **Misc.** Gertrude Potts, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 1461, **Misc.** Clifton H. Cox, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1467, **Misc.** Minniola O. Miller, petitioner, *v.* Ufa E. Guthrie. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 1472, **Misc.** Johnny Harper, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1481, **Misc.** Thomas Williams, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1503, **Misc.** David De La O, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1523, **Misc.** Charles E. Lawrenson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 840, **Misc.** David Jennings, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 1365, **Misc.** Andrew Kapsalis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 1178, **Misc.** Clarence E. Whaley, petitioner, *v.* John D. Kirby et al. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 1256, **Misc.** Irvin C. Scarbeck, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1322, **Misc.** Richard C. Collins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1300, **Misc.** Larry C. Glouser, petitioner, *v.* F. E. Van Alstine, Clerk, United States District Court for the Southern District of Iowa. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit and for other relief denied.

No. 1333, **Misc.** Morton Sobell, petitioner *v.* United States. Motion for leave to use the record in Nos. 111 and 112, **October Term, 1952**, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice White took no part in the consideration or decision of this motion and petition.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1019, Misc. John N. Bristow, Jr., petitioner, *v.* Warden, Maryland Penitentiary;

No. ~~1023~~¹⁰²³, Misc. Jeremiah Petersen, petitioner, *v.* David M. Heritage, Warden;

No. 1320, Misc. Rafael Rosario Melendez, petitioner, *v.* David N. Heritage, Warden;

No. 1342, Misc. Oscar Luis Rivera Lopez, petitioner, *v.* David M. Heritage, Warden;

No. 1349, Misc. George H. Hornbeck, petitioner, *v.* New York State Parole Board;

No. 1380, Misc. Justino Benitez Suarez, petitioner, *v.* David M. Heritage, Warden;

No. 1381, Misc. Manuel Planellas Gonzalez, petitioner, *v.* David M. Heritage, Warden;

No. 1449, Misc. Dallas O. Williams, petitioner, *v.* Sam A. Anderson et al.;

No. 1453, Misc. Andrew Lee Wells, petitioner, *v.* E. L. Maxwell, Warden;

No. 1457, Misc. Jesse Bonham, petitioner, *v.* United States;

No. 1464, Misc. John Edward Reece, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary;

No. 1482, Misc. Earl Cantrell, petitioner, *v.* E. L. Maxwell, Warden;

No. 1514, Misc. Sylvester R. Winston, petitioner, *v.* Warden, U.S. Penitentiary;

No. 1540, Misc. Orion T. Whiting, Jr., et al., petitioners, *v.* Frank Eudoff, U.S. Marshal, Baltimore, Md.;

No. 1544, Misc. Clifford Folenius, petitioner, *v.* Beryle C. Sacks, Warden, et al.; and

No. 1559, Misc. John D. Duncan, petitioner, *v.* Allan L. Robbins, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1321, Misc. William P. Gregory, petitioner, *v.* United States. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 1299, Misc. Michael Heston, petitioner, *v.* Lamoyne Green, Superintendent, Marion Correctional Institution;

No. 1324, Misc. Glen E. Crow, petitioner, *v.* E. V. Nash, Warden;

No. 1364, Misc. James Green, petitioner, *v.* New Jersey;

No. 1433, Misc. Joe Richard Bassett, petitioner, *v.* Ralph H. Tashash, Warden;

No. 1495, Misc. Benjamin F. Matuzek, petitioner, *v.* Frank A. Eyman, Warden; and

No. 1549, Misc. Calvin, J. Cofield, petitioner, *v.* W. C. Holman, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 876, Misc. Joseph H. Milani, petitioner, *v.* Supreme Court of Illinois;

No. 1186, Misc. James C. White, petitioner, *v.* United States Court of Appeals for the District of Columbia Circuit et al.;

No. 1220, Misc. Vernon E. Goodson, petitioner, *v.* Tennessee ex rel. Criminal Court of Shelby County;

No. 1230, Misc. Joseph W. DiSilvestro, petitioner, *v.* Hon. Charles E. Clark et al., etc.;

No. 1345, Misc. Al Kobs, petitioner, *v.* Dr. Seybert Hott et al.;

No. 1426, Misc. Sanford E. Aday et al., petitioners, *v.* United States District Court for the Western District of Michigan et al.;

No. 1427, Misc. Francis Marion Black, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. 1474, Misc. In the Matter of James Wilson, petitioner; and

No. 1492, Misc. John D. Machin, petitioner, *v.* Supreme Court of Washington. Motions for leave to file petitions for writs of mandamus denied.

No. 1150, Misc. John Byers, petitioner, *v.* Hon. Jay S. Parker, Chief Justice. Motion for leave to file petition for writ of mandamus and for other relief denied.

REHEARINGS DENIED

No. 24. Halliburton Oil Well Cementing Company, appellant, *v.* James S. Reily, Collector of Revenue, State of Louisiana;

No. 45. Florida Lime and Avocado Growers, Inc., et al., appellants, *v.* Charles Paul, Director of Department of Agriculture of California, et al.;

No. 229. Frederico Marin Gutierrez, petitioner, *v.* Waterman Steamship Corp.;

No. 305. A. J. Whipple et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 877. Edgar I. Shott, Jr., appellant, *v.* Ohio;

No. 937. Illinois et al., appellants, *v.* United States, et al.;

No. 949. Flora Construction Company, appellant, *v.* United States for the Use and Benefit of Grand Junction Steel Fabricating Co., et al.;

No. 977, **Misc.** Eugene L. Sturges, petitioner, *v.* California et al.;

No. 1024, **Misc.** Francisco Cepero, appellant, *v.* Honorable United States Congress et al.; and

No. 1227, **Misc.** Francisco Cepero, appellant, *v.* Honorable Government of the United States of America; and

No. 1193, **Misc.** Jeannace June Freeman, petitioner, *v.* Oregon. Petitions for rehearing denied.

No. 84, **October Term, 1960.** Albert Martin Cohen, petitioner, *v.* Denis M. Hurley. Motion for leave to file a petition for rehearing denied. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 981, **October Term, 1961.** James O. McCue, Jr., et al., petitioners, *v.* United States. Motion for leave to file a petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 97. The Baltimore & Ohio Railroad Company et al., appellants, *v.* Boston and Maine Railroad et al.; and

No. 98. Maryland Port Authority et al., appellants, *v.* Boston and Maine Railroad et al.;

No. 99. Interstate Commerce Commission, appellant, *v.* Boston and Maine Railroad et al.; and

No. 1046. Metro M. Holovachka, petitioner, *v.* United States. Petitions for rehearing denied. Mr. Justice White took no part in the consideration or decision of these petitions.

No. 884. Helbros Watch Co., Inc., et al., petitioners, *v.* Federal Trade Commission. Motion for leave to file a petition for rehearing denied.

No. 958. Marcos Perez Jimenez, petitioner, *v.* Guy W. Hixon, United States Marshal, etc., et al. Petition for rehearing denied. Mr. Justice Black and Mr. Justice White took no part in the consideration or decision of this petition.

No. 77, **Misc.** Bethel S. Stevenson, petitioner, *v.* United States. Motion for leave to file a second petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 720, **Misc.** Daniel Jackson Oliver Wendel Holmes Morgan, petitioner, *v.* United States. Petition for a rehearing and for other relief denied.

The Chief Justice announced the following order of the Court:

“All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

“It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term.”

Adjourned to the time and place appointed by law.

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